

EXHIBIT 10

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR PRESIDENT,
INC., *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR, in her capacity as
Secretary of the Commonwealth of
Pennsylvania, *et al.*,

Defendants.

Civil Action No. 2:20-cv-00966-NR

Judge J. Nicholas Ranjan

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D.

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On behalf of Defendant-Intervenors
Citizens for Pennsylvania's Future and Sierra Club

I. BACKGROUND AND QUALIFICATIONS

I am a political scientist and Associate Professor and Chair of the Department of Public Policy and Administration at Rutgers University-Camden. I received a Bachelor of Arts degree in History from Boston University, and two Master's Degrees and a Ph.D. in Political Science from the City University of New York. One of my areas of expertise is American Politics with a specialization in elections and the political process.

Specifically, I have studied voter fraud in U.S. elections for nearly twenty years. In 2003, I co-authored a study of voter fraud with David Callahan for the public policy research and advocacy organization, Demos, titled, "Securing the Vote: An Analysis of Voter Fraud." I updated this study with new material in 2007.¹ At that time, Demos published a preliminary report I wrote on voter fraud and same-day registration,² and in March of 2007, I published a report, "The Politics of Voter Fraud," for Project Vote, a national nonpartisan, nonprofit voting rights organization.³ In June 2010, Cornell University Press published *The Myth of Voter Fraud*, my full-length scholarly treatment of the subject and the politics surrounding the uses of voter fraud allegations to shape electoral policy. The book analyzes the evidence of voter fraud and concludes that the widespread allegation that voter fraud is a rampant problem of unknown proportions in contemporary U.S.

¹ Lorraine C. Minnite, "An Analysis of Voter Fraud," (New York: Demos, 2007), available at <http://www.demos.org/publication/analysis-voter-fraud-united-states-adapted-2003-report-securing-vote> (last accessed September 24, 2020).

² Lorraine C. Minnite, "Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security," (New York: Demos, 2007), available at <https://www.issuelab.org/resource/election-day-registration-a-study-of-voter-fraud-allegations-and-findings-on-voter-roll-security.html> (last accessed September 28, 2020).

³ Lorraine C. Minnite, "The Politics of Voter Fraud," (Washington, D.C.: Project Vote, 2007), available at http://www.projectvote.org/wp-content/uploads/2007/03/Politics_of_Voter_Fraud_Final.pdf (last accessed September 28, 2020).

elections is unsupported by evidence, and that actual voter fraud is extremely rare. In *The Myth of Voter Fraud*, I argue and provide evidence to show that having no basis in fact, these allegations are motivated by political interests, and are designed to make voting harder for certain populations. I provide an analysis of the role of the voter fraud myth in the contemporary voter identification debate in “Voter Identification Laws: The Controversy over Voter Fraud,” published by Routledge in 2012 book edited by Matthew J. Streb titled, *Law and Election Politics*.

I have testified as an expert witness on the question of voter fraud in eight federal voting rights cases, and two voting rights cases before state courts (in Pennsylvania and New Hampshire), and participated in five other state and federal cases. I testified before Congress and the U.S. Commission on Civil Rights on the subject of voter fraud, and have been a party to several amicus filings on the incidence of voter fraud, including in an important U.S. Supreme Court case challenging a state voter identification requirement.⁴

I have been retained by counsel for Defendant-Intervenors to provide expert testimony in the above-captioned matter. In particular, I have been asked to address the incidence of voter fraud in U.S. elections, in general, and more specifically in recent elections in Pennsylvania, including purported incidents of absentee ballot fraud.

I submit this report, which incorporates all of the research I have conducted on the subject of voter fraud and voter ID laws since 2001, cited above and published in peer-reviewed books and journals⁵ to assist the Court in its analysis of the instant case. To expand my research on the evidence of voter fraud in Pennsylvania (or lack thereof) I reviewed the following:

- Materials I collected when conducting my research for *The Myth of Voter Fraud*;

⁴ See *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).

⁵ A complete list of my peer reviewed publications is set forth in my Curriculum Vitae at Appendix A.

- Materials I collected and reviewed for my expert report, and litigation and court records in *Applewhite v. Commonwealth of Pennsylvania* (Pa. Cmwlth., No. 330 MD 2012);
- Materials produced by U.S. federal government agencies, including the Government Accountability Office, and the Public Integrity Section of the Justice Department's Criminal Division;
- Materials subpoenaed in prior litigation or obtained through public records requests from 56 of Pennsylvania's 67 district attorneys concerning cases of election fraud from roughly 2000 to 2012;
- Reports and data collected by advocacy groups such as the Brennan Center for Justice at New York University School of Law and the Heritage Foundation;
- Plaintiffs' interrogatory response regarding alleged voter fraud in this case (*Donald J. Trump for President Inc. et al. v. Boockvar, et al.*, No. 20-cv-966 (W.D. Pa.)), and the documents provided by Plaintiffs as evidence of alleged voter fraud in response to Democratic Intervenors' document requests ("Plaintiffs' Supplemental Objections and Responses to Democratic Intervenors' Document Requests," August 14, 2020).

Additional materials consulted are cited in the report's footnotes.

II. SUMMARY OF OPINIONS⁶

Voter fraud is the intentional corruption of the voting process by voters. The best available social science research consistently finds that the incidence of voter fraud in contemporary U.S. elections is exceedingly rare, including the incidence of voter impersonation fraud committed through the use of mail-in absentee ballots. This is the case both nationally, and in Pennsylvania. In the last 20 years in the entire state of Pennsylvania, there have been fewer than a dozen confirmed cases of fraud involving a handful of absentee ballots, and most of them were perpetrated by

⁶ This report is based on information that is currently available for my review. I reserve the right to update my report and opinions upon review of any additional documents or information previously unavailable to me.

insiders rather than ordinary voters. By point of reference, 1,459,555 mail-in and absentee ballots were cast in the 2020 primary alone.⁷

III. METHODOLOGY

There are no official routinely compiled national or statewide statistics reliably reporting instances or cases of voter fraud, or any other kind of election fraud, for that matter. It is challenging and time-consuming, therefore, to empirically assess the degree to which fraud or even the risk of fraud is allegedly “real” or a problem in contemporary U.S. elections.⁸ In evaluating the current landscape, it is not enough to point to flagrant or folkloric examples of electoral corruption from America’s past. Context, facts, and a systematic methodology for assembling those facts rather than the presentation of sensational anecdotes are critical to the research enterprise. A compilation of news stories reporting on election fraud allegations from here and there, from the past and present, is simply a pile of stories. A social scientist knows that any conclusions drawn from a random collection of allegations are not reliable.⁹

I spent nearly ten years collecting and analyzing data and evidence using a wide variety of social science methods to evaluate the incidence of voter fraud in contemporary U.S. elections for *The Myth of Voter Fraud*. My main research question was, what is the incidence of voter fraud (defined as the intentional corruption of the electoral process by voters, as discussed below) in contemporary U.S. elections? After analyzing original data and concluding that voter fraud is

⁷ Pennsylvania Department of State, “Pennsylvania 2020 Primary Election Act 35 of 2020 Report,” August 1, 2020, 10.

⁸ Justice Stevens, plurality opinion in *Crawford v. Marion County Election Board*, 553 U.S. 181, 196 (2008).

⁹ Lorraine C. Minnite, *Myth of Voter Fraud* (Ithaca, N.Y.: Cornell University Press, 2010), 11-14.

exceedingly rare, I asked, what then explains the persistent and growing chorus of evidence-free allegations that voter fraud is in fact an unchecked threat to the integrity of U.S. elections? In other words, my book also addresses the question of how we might make sense of the disjuncture between stubborn claims that voter fraud is a significant threat to the integrity of U.S. elections, and the contradictory facts.

To answer these questions, I used what is known in the social sciences as a “mixed methods” or “multimethod” research framework.¹⁰ This intuitive approach to empirical inquiry, which has been called the “third methodological movement” in the social sciences following the developments of quantitative (“traditionalist”) and then qualitative (“revolutionary”) methodologies,¹¹ integrates quantitative, and qualitative and archival styles of evidence and modes of analysis to triangulate independent and imperfect sources of information from which the researcher then draws inferences. It is particularly suited to research projects where the sources of evidence are scattered and incomplete, or where any one source is otherwise too limited on its own to serve as the basis for reliable analysis and valid inference.

Mixed methods is, therefore, the best methodological approach for the kind of research problems I faced. Since the publication of *The Myth of Voter Fraud*, the few other political scientists who have studied voter fraud in U.S. elections have used mostly quantitative methods. While I believe that such methods can be useful in detecting anomalous patterns in registration lists or other sources of electoral data, the most that we can learn from them is that anomalous patterns

¹⁰ See John W. Creswell and Vicki L. Plano Clark, eds., *Designing and Conducting Mixed Methods Research*, 3rd Ed., (Los Angeles: Sage Publications, Inc., 2017).

¹¹ Charles Teddlie and Abbas Tashakkori, “Major Issues and Controversies in the Use of Mixed Methods in the Social and Behavioral Sciences,” in Abbas Tashakkori and Charles Teddlie, eds., *Handbook of Mixed Methods in Social and Behavioral Research* (Thousand Oaks, Calif.: Sage Publications, Inc., 2003), 5.

may (or may not) exist in the data. Moreover, the mere existence of anomalous data is insufficient to demonstrate actual voter fraud.

The information presented in this report relies on my previous mixed-methods research on the incidence of voter fraud in contemporary U.S. elections, and applies the same style of analysis and inference in which multiple sources of data and evidence are cross-checked for validity of the findings, to new evidence collected about election fraud and specifically, the presence or absence of any such absentee ballot fraud in Pennsylvania.

In the next section, I discuss the definition of voter fraud, and summarize my conclusions about the incidence of voter fraud nationally, and in Pennsylvania, where I focus my analysis on the presence or absence of any such absentee ballot fraud and Pennsylvania's practices to safeguard the absentee or mail-in balloting process.

IV. DISCUSSION

A. Voter Fraud is Defined as the Intentional Corruption of the Voting Process by Voters

It is important to the policymaking process and the improvement of electoral policy that we analyze whether fraud is being committed by voters or other actors in order to assess whether fraud-prevention measures are necessary and whether policies held out as such in fact serve that purpose. Misdiagnosis of who is committing the fraud is a threat to democracy because it can result in misdirected policies that make it unnecessarily harder to vote, thus obstructing and harming voter participation.

The first step in assessing whether we have a problem with voter fraud is to define what it is. Indeed, the process of formulating precise definitions is critical in the social sciences for

accurate measurement of empirical phenomena.¹² Most statutes criminalizing what we might think of as voter fraud do not specifically define the term. Instead, nefarious election-related practices are prevented by state laws making “double voting” or “falsifying records,” or “voting by unqualified elector,” and the like, illegal.¹³ For example, Pennsylvania’s election code refers to one form of voter fraud, double voting, as “repeat” voting, and states, “[i]f any person shall vote in more than one election district, or otherwise fraudulently vote more than once at the same primary or election” he or she may be convicted of a felony in the third-degree punishable to up to seven years in prison and/or a fine of up to \$15,000.¹⁴

In the U.S., voter eligibility requirements are fairly standard across the states: one must be alive when casting a ballot, 18 years of age, a U.S. citizen, and in many states not under a sentence of incarceration or state supervision for a conviction of a felony crime. There are some variations to these rules, for example, states differ with respect to the terms of disfranchisement of persons with felony convictions. In our geographically-based system of representation, voters are required to vote in the jurisdiction where they live.

¹² W. Phillips Shively, *The Craft of Political Research*, 5th ed. (Upper Saddle River, New Jersey: Prentice Hall, 2001), 30-38.

¹³ For example, in Georgia, “Any person who votes or attempts to vote at any primary or election, knowing that such person does not possess all the qualifications of an elector at such primary or election, as required by law, or...who knowingly gives false information to poll officers in an attempt to vote in any primary or election...” commits a felony. O.C.G.A. § 21-2-571. California prohibits specific election related activity like fraudulent registration, voting in an election which one is not entitled to vote in, voting more than once or to try to buy a vote with the promise of a job. Cal. Elec. Code § 18520. In Minnesota, it is a felony to submit more than one absentee ballot or to assist another in submitting more than one absentee ballot, or alter another’s absentee ballot. Minn. Stat. § 203B.03. In New Jersey, it is a third-degree crime to “fraudulently vote...or in any manner so interfere...with the voters lawfully exercising their rights of voting at the election, as to prevent the election or canvass from being fairly had and lawfully conducted.” N.J. Stat. Ann. § 19:34-11.

¹⁴ 25 P.S. § 3535.

In nearly every state, people who knowingly abrogate eligibility rules commit voter fraud, for example, when they intentionally provide false information concerning their own voter eligibility credentials (i.e., citizenship status, age, permanent address), or when they knowingly cast more than one ballot (“double voting”), or cast a ballot knowing that they are not eligible to vote. This may also include so-called “felon” voting by people who have been convicted of a felony and not had their voting rights restored as required by state law. Voting in the name of a dead person is fraudulent when the person casting the ballot intentionally impersonates the dead voter. The voter fraud outlined here can be committed in person at the polls or early voting sites, or through the use of absentee or mail-in ballots.

Innocent, unintentional administrative errors on the part of election officials and confusion on the part of voters can cause technically invalid ballots to be cast, however, there is an important distinction to be made between invalid registration and ballots, and fraudulent registration and ballots. Fraudulent registration and ballots are illegal; but not all invalid registration and ballots are fraudulent.

Accordingly, for purposes of social scientific research on the incidence of voter fraud, I define the concept of voter fraud as “the *intentional corruption* of the *voting process* by voters.”¹⁵

¹⁵ The U.S. Department of Justice prosecutes election crimes committed when there is a federal candidate on the ballot, or in cases where there is jurisdiction to enforce federal criminal laws that potentially apply to both federal and non-federal elections when there is no federal candidate on the ballot. The federal government’s definition of “election fraud” centers on the corruption in “the obtaining and marking of ballots, the counting and certification of election results, or the registration of voters,” and is over-broad for the purpose of measuring election crime committed by voters, the focus of my research, because it includes acts of official malfeasance, such as ballot box stuffing or corruption of the count, criminal acts that voters cannot commit because they do not possess official authority over election administration or the counting of ballots. See Richard C. Pilger, ed., *Federal Prosecution of Election Offenses*, 8th ed., U.S. Department of Justice, Criminal Division, Public Integrity Section (Washington, D.C.: Government Printing Office, 2017, 22-26, <https://www.justice.gov/criminal/file/1029066/download> (last accessed September 28, 2020).

In measuring the incidence of voter fraud, it is important to first determine the validity of registrations and ballots, and then, to identify, if possible, the intent on the part of the registrant or voter to register and vote, and whether the ineligible or invalid registrant or voter knew that it was illegal to do so.

The reasoning and logic I use to derive a definition of voter fraud for purposes of measurement lead to the following conclusions:

- a) it is important to identify who is committing the fraud – the electoral process is complex and multi-staged; not all actors in the process have access to all parts of the process; therefore, not all forms of electoral fraud may be committed by all actors in the process;
- b) thus, there is an important distinction to be made between *voter* fraud and broader *election* fraud; voter fraud is the intentional or motivated corruption of the electoral process *by voters*; election fraud encompasses all other forms of intentional corruption of the electoral process;
- c) invalid registration and balloting, which may be detected as anomalies or irregularities in electoral mechanics, may not be fraudulent; therefore, there are competing explanations for electoral anomalies and irregularities: invalid registration and balloting may be caused by simple human error, confusion or mistakes and are not *prima facie* evidence of fraud.

B. Fraud Committed by Voters Is Exceedingly Rare, Including Impersonation Fraud Using an Absentee Ballot

In the absence of reliable or official data, to write my book I gathered my own from a wide range of sources.¹⁶ My conclusions in *The Myth of Voter Fraud* about the rarity of voter fraud rely

¹⁶ These included, but were not limited to: a review of all of the scholarly literature by historians, political scientists, and legal scholars on voter fraud in American history (of which, given the extensive literature on American elections and electoral behavior, there is very little); review and analysis of all pertinent federal and state election statutes erected to ensure the integrity of elections and criminalizing certain behaviors; broad and deep database searches of hundreds of news sources across the U.S. at the state and local levels (including wire services); searches of legal databases and case law, and review of relevant legal materials and opinions at the state and federal levels; documents and material produced through public records requests sent to thousands of election and law enforcement officials in every state; Freedom of Information Act requests to various agencies within the U.S. Department of Justice; analysis of a longitudinal data set produced by the Administrative Office of the United States Courts; analysis of voluminous records of contested federal and state elections; interviews with a wide range of people with relevant expertise, including, but not limited to, prosecutors, defense lawyers, election officials, voters,

on all of this data, the evidence of which points clearly to the conclusion that fraud committed by voters, including absentee ballot fraud, is exceedingly rare.

Over the last decade since the publication of *The Myth of Voter Fraud*, I have continued to track the issue of election fraud, updating my knowledge through my participation in litigation as an expert witness, and staying abreast of the scholarly research on the subject. Looking at that research since 2010, the three most important sources of evidence and analysis of the incidence of voter and/or election fraud are 1) social scientific studies; 2) official government reports and investigations; and 3) publicly-accessible databases compiled by the Heritage Foundation and the News21 journalism project at Arizona State University. I summarize the findings from each of these sources below.

i. Social Scientific Studies

Social scientific research finds very little evidence of voter fraud in contemporary U.S. elections.

academics, and advocates working on voter registration drives; in-depth case studies in four states of the worst alleged cases of voter fraud since 2000; collection and review of a wide range of reports, evaluations, studies, testimony and the like produced by the federal government (i.e., audits by the U.S. Government Accountability Office; reports to Congress by the Congressional Research Service; reports produced by the U.S. Elections Commission and the U.S. Commission on Civil Rights; transcripts and materials from congressional hearings), state legislatures and state government agencies (i.e., data from the Elections Fraud Investigations Unit of the California Secretary of State's Office; a public complaints file from the Minnesota Secretary of State's Office established to comply with the federal Help America Vote Act of 2002; a report from a broad investigation of allegations of voter fraud by the New Hampshire Attorney General's Office), national election reform task forces (i.e., the Commission on Federal Election Reform, the Social Science Research Council National Research Commission on Elections and Voting), and a wide range of organizations, including party groups, good government and civic organizations, and other advocacy organizations, especially those claiming to find alarming evidence of voter fraud (i.e., a report by an organization called the American Center for Voting Rights that claimed to be "the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election:" reports compiled by the conservative Heritage Foundation and the Public Interest Legal Foundation).

In 2014, the U.S. Government Accountability Office (“GAO”) published a performance audit of issues related to state voter identification laws.¹⁷ For their report, the GAO was tasked only with identifying the challenges to determining a complete measure of in-person voter fraud, not with estimating the incidence of voter fraud overall.

Part of the study involved a review of “academic literature, organizational studies, peer-reviewed journals, books, and other regularly cited research published from January 2004 through April 2014 to identify studies that attempted to estimate in-person voter fraud, using a documented methodology.”¹⁸ More than 300 studies were analyzed to determine whether they contained data on in-person voter fraud and provided an adequate description of the methodology used for collecting the data. Studies based on anecdotal reports of in-person voter fraud were excluded from the analysis. Only five studies, including my book, *The Myth of Voter Fraud*, met the criteria.¹⁹

While all of the scientific studies had various limitations for estimating a complete count of cases of in-person voter impersonation, two GAO analysts and a GAO statistician reviewed each

¹⁷ U.S. Government Accountability Office, GAO-14-634, “Elections: Issues Related to State Voter Identification Laws,” (September 19, 2014; Released October 8, 2014; Reissued February 27, 2015), <https://www.gao.gov/products/GAO-14-634> (last accessed September 28, 2020). For this report, the GAO was tasked only with identifying the challenges to determining a complete measure of in-person voter fraud, not with estimating the incidence of voter fraud overall.

¹⁸ *Ibid.*, 7.

¹⁹ The five studies are: John S. Ahlquist, Kenneth R. Mayer, and Simon Jackman, “Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment,” *Election Law Journal* 13(4): 460-475; Ray Christensen and Thomas J. Schultz, “Identifying Election Fraud Using Orphan and Low Propensity Voters,” *American Politics Research*, vol. 42 (2): 311-337; M.V. Hood III and William Gillespie, “They Just Do Not Vote Like They Used To: A Methodology to Empirically Assess Election Fraud,” *Social Science Quarterly*, 93(1): 76-94; Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca: Cornell University Press, 2010); and Corbin Carson, “Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens,” News21, August 12, 2012, available at <https://votingrights.news21.com/article/election-fraud-explainer/> (last accessed September 24, 2020).

and determined that, "...the design, implementation, and analyses of the studies were sufficiently sound to support the studies' results and conclusions based on generally accepted social science principles."²⁰

The five scientifically sound studies identified by the GAO find almost no evidence of voter fraud in contemporary U.S. elections. Three use quantitative methods to identify anomalies in registration and voting data as proxies for voter fraud, finding very little fraud.²¹ Carson's report *Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens* (this is the News21 evidence discussed in more detail below) and *The Myth of Voter Fraud* do not rely solely on quantitative methodologies, focusing instead on identifying actual instances of voter fraud in recent elections.

²⁰ GAO, "Elections: Issues Related to State Voter Identification Laws," 3-4.

²¹ Hood and Gillespie performed an audit of the 2006 general election in Georgia "to ascertain the extent to which deceased registrants are being used in a fraudulent manner." Using a data mining technique, they initially identified 66 suspect ballots out of a total of approximately 2.1 million cast. Only four of the suspect ballots were cast in-person. Further research determined conclusively that none of the in-person ballots and almost none of the absentee ballots (57 of the remaining 62 suspect ballots) were fraudulently cast. Hood and Gillespie were not able to obtain enough information from county registrars to make a determination one way or the other about five of the absentee ballots, and it is possible, therefore, that none of the absentee ballots were fraudulent. They found "no evidence that election fraud was committed under the auspices of deceased registrants" in Georgia's 2006 election (Hood and Gillespie, "They Just Do Not Vote Like They Used To," 76). Ahlquist, Mayer and Jackman use a different technique to search for proxies for voter impersonation in the 2012 national general election, finding "no evidence of systematic voter impersonation" in that election (Ahlquist et al., "Alien Abduction and Voter Impersonation in the 2012 U.S. General Election," 30). Christensen and Schultz use yet another quantitative methods technique to search for anomalies in election returns that might indicate the presence of fraud. Their findings "...support the conclusion that electoral fraud, if it occurs, is an isolated and rare occurrence in modern U.S. elections" (Christensen and Schultz, "Identifying Election Fraud Using Orphan and Low Propensity Voters," 313).

Only a few other empirical social scientific studies of the incidence of voter fraud have been conducted since the 2014 GAO report, specifically, two academic papers that rely on quantitative methodologies and proxy measures to estimate the probability of fraud.²²

In the first, Sharad Goel and colleagues use statistical techniques to look for proxy evidence of double voting in the 2012 presidential election.²³ They find that “double voting is not currently carried out in such a systematic way that it presents a threat to the integrity of American elections.”²⁴ They estimate that “at most,” by which they mean if the error rate in the data caused

²² Not included in this discussion is a set of methodology papers addressing various elections forensics techniques, including anomalous digit distributions in election data as a means for detecting election fraud. *See*, for example, Bernd Beber and Alexandra Scacco, “What the Numbers Say: A Digit-Based Test for Election Fraud,” *Political Analysis* 20(2):211-234; C. Breunig and A. Goerres, “Searching for Electoral Irregularities in an Established Democracy: Applying Benford’s Law Tests to Bundestag Elections in Unified Germany,” *Electoral Studies* 30(3): 534-545; Joseph Deckert, Mikhail Myagkov, and Peter C. Ordeshook, “Benford’s Law and the Detection of Election Fraud,” *Political Analysis* 19(3): 245-268; Walter Mebane, “Election Forensics: The Second Digit Benford’s Law Test and Recent American Presidential Elections,” in R. Michael Alvarez, Thad E. Hall, and Susan D. Hyde, *Election Fraud* (Washington, D.C.: Brookings Institution, 2008); Juraj Medzihorsky, “Election Fraud: A Latent Class Framework for Digit-Based Tests,” *Political Analysis* 23(4): 506-517; Jacob M. Montgomery, et al., “An Informed Forensics Approach to Detecting Vote Irregularities,” *Political Analysis* 23(4): 488-505. Most of this work focuses on developing statistical techniques for addressing anomalous patterns in election data at the national level, laying no claim to proving fraud. In addition, I exclude a discredited paper published in 2014 the peer-reviewed journal, *Electoral Studies*, by Richman, Chattha, and Earnest that analyzes survey data and concludes that “non-citizens participate in U.S. elections, and that this participation has been large enough to change meaningful election outcomes including Electoral College votes, and Congressional elections.” The methodology used by the authors was widely criticized as faulty, including by the political scientists who generated the survey data. *See*, Jesse T. Richman, Gulshan A. Chattha, and David C. Earnest, “Do Non-citizens Vote in U.S. Elections?” *Electoral Studies* 36 (2014): 149-157; and rebuttal, Stephen Ansolabehere, Samantha Luks, and Brian F. Schaffner, “The Perils of Cherry-Picking Low Frequency Events in Large Sample Surveys,” *Electoral Studies* 40 (2015): 409-410.

²³ Sharad Goel, Marc Meredith, Michael Morse, David Rothschild, and Houshmand Shirani-Mehr, “One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections,” *American Political Science Review* 114(2), 456-469.

²⁴ *Ibid.*, 467.

by administrative mistakes was zero, a human impossibility, one in 4,000 votes (i.e., 0.025%, or 1/40th of one percent) out of approximately 126 million votes cast in 2012, were double votes. But, “measurement error in turnout records,” the authors write, could “...possibly explain...a significant portion, if not all, of this.”²⁵ The authors estimate that, “In fact, a 1.3% clerical error rate would be sufficient to explain all of these apparent double votes.”²⁶ In other words, given the level of imprecision in the statistical methods used in the study, a tiny level of clerical mistakes could account for what otherwise appear to be duplicate votes.

A second paper, by Cottrell, Herron, and Westwood, investigates claims made by President Donald J. Trump that his election in 2016 was tainted by massive voter fraud. The researchers use a variety of statistical modeling techniques and county-level election returns, census data, and other federal and state government data to estimate the likelihood of invalid non-citizen voting in that election. “Our empirical results share a common theme,” they write. “[T]hey are inconsistent with fraud allegations made by Trump. The results are, however, consistent with various state-level investigations conducted in the initial months of 2017, all of which have failed to find any evidence of widespread voter fraud in the 2016 General Election.”²⁷

²⁵ *Ibid.*

²⁶ *Ibid.*, 457.

²⁷ David Cottrell, Michael C. Herron, and Sean J. Westwood, “An Exploration of Donald Trump’s Allegations of Massive Voter Fraud in the 2016 General Election,” *Electoral Studies* 51 (2018): 123-142, 140. One such study, conducted by the *New York Times* after the 2016 election involved inquiries about voter fraud to state election authorities in all fifty states (only Kansas failed to respond). They found “what researchers and scholars have said for years: Fraud by voters casting ballots illegally is a minuscule problem, but a potent political weapon.” See, Michael Wines, “All This Talk of Voter Fraud? Across U.S., Officials Found Next to None,” *New York Times*, December 18, 2016, <https://www.nytimes.com/2016/12/18/us/voter-fraud.html> (last accessed September 28, 2020).

ii. Government Reports and Investigations

Recent findings from another GAO report examining the federal enforcement effort against election fraud are consistent with my prior findings regarding the scant record of voter fraud.²⁸ Here, the GAO analyzes data drawn from two different U.S. Department of Justice case management systems used by the two Department components responsible for prosecuting election fraud, the Criminal Division’s Public Integrity Section, and the U.S. Attorneys’ Offices, for the period 2001 through 2017.

The federal government defines election fraud broadly to include the corruption of “the obtaining and marking of ballots, the counting and certification of election results, or the registration of voters.”²⁹ The data analyzed by the GAO goes beyond the careful and precise definition of voter fraud I have developed to measure the incidence of fraud intentionally committed by voters to include crimes committed by public officials, politicians and their campaigns, and fraud committed through voter intimidation, such as vote-buying conspiracies in which the powerful use money and other inducements to lure the powerless into selling their votes.³⁰ The GAO assessed the reliability of the DOJ case management databases and “found the

²⁸ U.S. Government Accountability Office, GAO-19-485, “Voter Registration: Information on Federal Enforcement Efforts and State and Local List Management” (June 27, 2019), <https://www.gao.gov/products/GAO-19-485> (last accessed September 28, 2020).

²⁹ See footnote 15.

³⁰ “Public Integrity Section officials stated the Section did not focus its efforts on particular types of election fraud, but vote buying...was the most frequent type of election fraud related crime the Section prosecuted during the period of our review. Officials said vote buying is the most common type of election fraud related crime that has come to their attention in recent decades and noted that it tends to occur in communities that are more insular and isolated and have higher levels of poverty. For example, officials observed that in rural communities with high levels of poverty, some residents may be more vulnerable to vote-buying efforts due to their difficult circumstances or the power of local officials who seek to buy votes to provide or cut off needed services.” GAO, “Voter Registration,” 34-35.

data sufficiently reliable to provide information on the nature and characteristics of DOJ's efforts to address potential instances of election fraud."³¹

Keeping in mind that the GAO's analysis is overbroad for the purpose of this report, their principle findings are consistent with my own as discussed in *The Myth of Voter Fraud*, that overall, voter fraud in U.S. elections is exceedingly rare:

a) Over the period of fiscal years 2001 through 2017, the Public Integrity Section initiated 1,408 criminal investigations or "matters," filing charges in 695 cases.³² Of the total number of matters initiated, about two percent (33 matters) were categorized by Section attorneys as election fraud-related, which includes instances of absentee ballot fraud; of the total number of cases filed as a result of the Section's investigations, 19 cases involving 37 individual defendants were election fraud-related;³³

b) Over the same study period, U.S. Attorneys' Offices initiated more than 2.2 million criminal investigations, of which 525 were election fraud-related, two one-hundredths of a percent of their overall criminal matters. The U.S. Attorneys' Office filed just over one million criminal cases during this time period; of these, 185 cases were election fraud-related, or the same two one-hundredths of a percent of their overall caseload. Fifteen of these cases were jointly filed by the U.S. Attorneys Offices and the Public Integrity Section (and double counted in the Public Integrity Section equivalent category cited above);³⁴

c) In sum, "[A]ccording to officials from EOUSA [the Executive Office of the U.S. Attorneys], which provides guidance, direction, and oversight to the U.S. Attorneys' Offices, election fraud was one of the *least* frequent crimes addressed by U.S. Attorneys' Offices." The GAO report continues: "Officials further noted that *election fraud related cases were taken seriously and thoroughly investigated when facts supporting such charges were uncovered*."³⁵

Further corroboration of my findings and the findings of the GAO that voter fraud in contemporary U.S. elections is exceedingly rare was recently provided by the Trump

³¹ *Ibid.*, 4.

³² *Ibid.*, 30.

³³ *Ibid.*, 29-30.

³⁴ *Ibid.*, 35-36.

³⁵ *Ibid.*, 36 (emphasis added).

Administration's current F.B.I. Director, Christopher Wray, in sworn testimony before the U.S.

Senate Homeland Security and Governmental Affairs Committee:

Ranking Member U.S. Senator Gary C. Peters (D-MI): So, given the COVID-19 pandemic, we're seeing many more people vote by mail. As I mentioned, unprecedented numbers of absentee ballots have been asked for in the state of Michigan.

So, I want to dispel some of this drumbeat of misinformation that we're hearing out there. My question is very direct: is voting by mail secure?

Director Wray: Well, Senator, I think what I would say is this: we take all election-related threats seriously, whether it's voter fraud, voter suppression, whether it's in-person, whether it's by mail, and our role is to investigate the threat actors.

Now, we have not seen historically any kind of coordinated national voter fraud effort in a major election, whether it's by mail or otherwise. We have seen voter fraud at the local level from time to time. And so, my comment should in no way be construed as minimizing how seriously we take our responsibility to investigate such incidents or the potential impact those things could have on the local level. So, it's on our radar. Certainly, to change a federal election outcome by mounting that kind of fraud at scale would be a major challenge for an adversary. But people should make no mistake. We're vigilant as to the threat and watching it carefully because we're in uncharted new territory.

I think as far as risk assessments of any particular states' processes or systems, I would defer to Mr. Cuccinelli and DHS/CIS because that's really more in their lane.

GB: But, your answer is clear. You've not seen any widespread fraud by mail and it's something the FBI watches continuously to make sure that that's not happening.

CW: That's something that we would investigate seriously...

GB: Absolutely.

CW: ...aggressively.³⁶

Investigations conducted by state agencies responsible for the administration of elections, and state law enforcement and auditing agencies provide other important official sources of data

³⁶ U.S. Senate Committee on Homeland Security and Governmental Affairs, *Hearing on Threats to the Homeland*, September 24, 2020, www.hsgac.senate.gov/09/14/2020/threats-to-the-homeland (last accessed September 28, 2020).

for analyzing the incidence of voter fraud in U.S. elections. I review several such reports in *The Myth of Voter Fraud*,³⁷ and also in several subsequent expert reports prepared for plaintiffs in litigation challenging various election laws.³⁸ My case study of election administration records in Oregon is of particular interest here because the state began experimenting with mail balloting forty years ago, and in 2000, became the first state in the nation to conduct a presidential election entirely by mail.³⁹ When I conducted my research on Oregon, I concluded at the time that it had the best system for keeping records of election law complaints in the nation. Complaints were channeled from county election officials up to the Secretary of State's Office and over to the attorney general for further investigation, and then reported back to the secretary of state so that the complaint case records and logs could be updated and closed.

I obtained a complete file from the secretary of state's Election Division of 6,605 election law complaints over a fifteen-year period, from 1991 to 2006, excluding campaign finance report-

³⁷ For example, as a result of public records requests sent to all Attorneys General and Secretaries of State, I obtained and analyzed all election fraud complaints referred to the California Secretary of State's Office for the period of 1994 to 2007; voter complaints collected by the Minnesota Secretary of State's Office from 2005 to 2006; investigation logs maintained by the Election Division of the Oregon Secretary of State's Office for all election law complaints for the period of 1991 to 2006; and a report of a broad investigation by the New Hampshire Attorney General's Office into concerns about voter fraud in the 2004 general election. See chapter 4 of *The Myth of Voter Fraud*.

³⁸ See my expert reports in Expert Witness, *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough, SS, Southern District, 2018; *Fish v. Kobach*, U.S. District Court for the District of Kansas, 2016-2018; *One Wisconsin Institute v. Nichols et al.*, U.S. District Court for the Western District of Wisconsin, 2016; *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District of Virginia, 2016; *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, 2015; *North Carolina State Conference of the NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina, 2014-2016; *Veasey v. Perry*, U.S. District Court for the Southern District of Texas, 2014-2015; and *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, U.S. District Court for the Eastern District of Wisconsin, 2012- 2013.

³⁹ Minnite, *The Myth of Voter Fraud*, 69-76.

related matters. I extracted all cases involving complaints or allegations of violations of the laws governing registration and voting processes, excluding all others pertaining to political parties, candidates, initiative, referendum and recall petitions, the printing of sample ballots, electioneering and potential crimes that did not implicate the voter. I found that of the resulting 5,400 complaints implicating voters, 55 pertained to voter registration (i.e., false statement or swearing by voter on registration card, or non-citizen registration), and the rest concerned various aspects of Oregon's vote-by-mail system, including "non-qualified" voting, ballot signature problems, double voting, sale of ballots, and other miscellaneous prohibitions on voting. Excluding the voter registration complaints, of the remaining 5,345 vote-by-mail-related complaints, investigations found no criminal violation in 2,748 cases (51.4 percent); and administrative actions were taken in 2,023 cases (37.8 percent) in which voter or administrative error was the source of the problem and investigators found no intent to commit fraud. Only 21 cases (.4 percent) resulted in convictions or guilty pleas for criminal violations of Oregon's election laws, or about one per year.⁴⁰

Notably for the issues raised in the extant litigation, officials in Oregon, Colorado, Washington, Delaware and Maryland, participated in a months-long study of voting irregularities in the 2016 presidential election. Colorado, Oregon, and Washington are three of the five states that conduct elections entirely by mail (the other two, Utah and Hawaii, have recently adopted all-mail balloting). Out of some 11.5 million votes cast in the five study states, there were 112 total instances of *possible* improper voting, primarily duplicate voting. In Colorado, where roughly 2.6 million of the total 2.9 million votes cast were mail-in ballots, there were 48 instances of possible

⁴⁰ The outcome for 553 cases was undetermined at the time the complaint file and complaint logs were produced for me by Division of Elections compliance specialist Ms. Norma Buckno. See, Minnite, *The Myth of Voter Fraud*, 69-76, especially Table 4.4.

improper ballots, or 0.0016 percent of all ballots cast.⁴¹ State officials were careful to not label the irregularities “voter fraud” because administrative or voter error could not be ruled out as the source of the a problem that looks like double voting (but isn’t) without further investigation. Similar analysis of data from other all-mail-balloting states finds very little evidence of fraud in mail-in ballots.⁴²

Despite variation in the context, scope, type of fraud examined, time period covered, and investigating agency involved, the government studies summarized here demonstrate a clear and consistent pattern of findings: very little actual voter fraud. Most potential instances involved irregularities and anomalies in the data that are more likely the result of administrative or voter error or confusion than they are voter fraud.⁴³

⁴¹ Jesse Paul, “10 People in Colorado May Have Cast Two Ballots in 2016 Election, While 38 Might Have Also Voted in Another State, Study Says,” *Denver Post*, September 15, 2017, <https://www.denverpost.com/2017/09/15/colorado-2016-improper-voting-study/> (last accessed September 28, 2020).

⁴² See, for example, Elise Viebeck, “Minuscule Number of Potentially Fraudulent Ballots in States with Universal Mail Voting Undercuts Trump Claims About Election Risks,” *Washington Post*, June 8, 2020, https://www.washingtonpost.com/politics/minuscule-number-of-potentially-fraudulent-ballots-in-states-with-universal-mail-voting-undercuts-trump-claims-about-election-risks/2020/06/08/1e78aa26-a5c5-11ea-bb20-ebf0921f3bbd_story.html (last accessed September 28, 2020); Chris Lehman, “10 Oregon Voters Plead Guilty to Voter Fraud in 2016 Presidential Election,” *The Oregonian/OregonLive*, April 29, 2019, <https://www.oregonlive.com/politics/2019/04/10-oregon-voters-plea-guilty-to-voter-fraud-in-2016-presidential-election.html> (last accessed September 28, 2020).

⁴³ A number of states in recent years have conducted investigations of alleged voter fraud including those cited earlier in footnote 35, and in some of my expert reports cited in footnote 36, and others, for example: A multi- year investigation by the Iowa Secretary of State resulted in 27 prosecutions out of approximately 1.6 million votes cast; see Iowa Secretary of State Matt Schultz, “DCI Voter Fraud Investigations Report,” May 8, 2014, available at <http://publications.iowa.gov/16874/1/DCI%20Voter%20Fraud%20Report%205-8-14.pdf> (last accessed September 28, 2020); a 2013 voter fraud investigation by the Colorado Secretary of State alleged 155 non-citizens had illegally voted; however, upon further investigation by local prosecutors, almost none were charged (four people were charged, but only one man was eventually convicted of a false registration charge (see, “Gessler Voter Sting Nets 1 Conviction

iii. Other Sources of Data on Election and Voter Fraud

The Heritage Foundation has created an online, publicly accessible database of what it calls, “A Sampling of Recent Election Fraud Cases from Across the United States.”⁴⁴ There is no explanation of the methodology used to create the database or the criteria for inclusion of cases. The website for the database contains a disclaimer that “this database is not an exhaustive or comprehensive list...[but] is intended to demonstrate...the many ways in which fraud is committed,” although specific numbers of what are called “proven instances of voter fraud,” in addition to criminal convictions, civil penalties, and diversion programs are tallied and reported on the database homepage (i.e., “1,290 Proven instances of voter fraud”). And, contrary to the claim of “proven instances of voter fraud,” the database lumps relatively few instances of voters committing fraud with all other forms of election or public corruption and malfeasance, such as cases of ‘altering the vote count,’ ‘ballot petition fraud,’ and ‘buying votes,’ crimes voters in their capacity as voters cannot commit.

Despite these shortcomings, the Heritage Foundation’s election fraud database is useful because it represents the evidence the organization has relied on for the last decade or more to promote the idea that voter fraud is “real,” by which they mean rampant, easy to commit, and easy to hide. While the full database itself does not appear to be publicly available as a downloadable

Despite Accusation of Widespread Fraud,” *The Sentinel*, March 13, 2015, <https://sentinelcolorado.com/news/gessler-voter-sting-nets-1-conviction-despite-accusation-widespread-fraud/> (last accessed September 28, 2020).

⁴⁴ See, the Heritage Foundation’s website, (<https://www.heritage.org/voterfraud>), last accessed September 28, 2020. As recently as last November, the database was labeled “Election Fraud Cases from Across the United States.” Calling it now just a “sampling” of cases is misleading because no information is provided about the universe from which the so-called sample was drawn or how the sample was drawn.

spreadsheet file, there is a helpful online interface that allows users to select cases based on type of fraud, one of which is “Fraudulent Use of Absentee Ballot.” The database contains 206 so labeled cases in the U.S. dating back to 1988, or roughly six or seven cases per year over the last three decades. Notably, in federal elections alone, more than 1.6 billion votes were cast during this period. Thus, by the Heritage Foundation’s own evidence, absentee ballot fraud in the U.S. is exceedingly rare.

The same scant record of evidence of voter fraud of any kind, both nationally and in Pennsylvania, is corroborated by the research conducted by the News21 journalism project at the Walter J. Cronkite School of Journalism and Mass Communications at Arizona State University.

The year-long project compiled cases of alleged voter fraud in the United States between 2000 and 2012, replicating the data collection methodology I used in *The Myth of Voter Fraud*, by sending out more than 2,000 public records requests to state elections and law enforcement authorities in every state, and to the U.S. Department of Justice (and FBI).⁴⁵ The student journalists followed up these document requests with phone calls and emails, and reviewed more than 5,000 court documents, official records and media reports. They found just over 2,000 alleged cases of a variety of forms of election or voter fraud nationwide, including just under 500 cases of alleged absentee ballot fraud nationally over the twelve-year study period. Whereas the Heritage Foundation’s database is limited to cases in which there is some kind of official final judgment, the News21 database contains alleged (or “accused”) cases of fraud, cases in which the accused was acquitted, and cases that were not resolved at the time the database was constructed in 2012.

⁴⁵ Project Website, Who Can Vote?, <https://votingrights.news21.com/>, (last accessed September 28, 2020). I served as an (unpaid) consultant on the research design and conducted a seminar for the students on the research methodology used in *The Myth of Voter Fraud*. Their work replicates my approach and produces similar results with respect to a documented low incidence of voter fraud in contemporary U.S. elections.

Like the Heritage Foundation database, the News21 database may be searched and sorted by type of fraud and by state, but also by “type of accused,” providing a further refinement of the Heritage Foundation’s organization of its database. The News21 database contains records for 491 cases of alleged absentee ballot fraud; however, filtering out cases that do not involve voters reduces that number to 103. Further filtering on cases resulting in conviction, guilty pleas or consent orders reduces the number further to 72, or about six actual cases per year nationally over the twelve-year study period, the same rate estimated from the Heritage Foundation database covering the longer 1988 to 2018 period.

iv. Evidence of Alleged Voter Fraud Relied on by the Trump Campaign

I understand that on several dates in August, 2020, Plaintiffs produced documents in response to defendants’ discovery requests seeking, among other things, evidence of voter fraud. I reviewed these documents and found that none of them provided evidence of widespread election fraud or corruption of the absentee balloting process, including in the June 2020 Pennsylvania presidential primary. None of them provided evidence of misuse of ballot drop-boxes or that ballot box drop-off boxes raised the risk of fraud. Many of the materials produced in this discovery proceeding pertained to email communications between Mr. James Fitzpatrick, the Pennsylvania Election Day Operations Director for Donald J. Trump for President, Inc., with Pennsylvania county officials regarding public records requests made by Mr. Fitzpatrick. Other documents raised issues about election administration procedures or alleged snafus in the balloting process during the June 2020 Pennsylvania presidential primary. Furthermore, the written interrogatory responses from the Trump Campaign acknowledged that they do not allege that any voter fraud had actually

occurred in the primary.⁴⁶

Before I turn to an examination of the evidence of absentee ballot fraud in Pennsylvania, I discuss how absentee and mail-in voting differs from polling place voting, and the safeguards that counteract any vulnerability absentee ballot voters may have to intimidation, the main concern of critics of absentee or mail-in voting. I briefly illustrate how on occasion even the most restrictive rules for absentee balloting can be overwhelmed by a corrupt conspiracy, though cases like the one I highlight remain quite rare. I conclude the next section by walking through the available empirical evidence of absentee ballot fraud in Pennsylvania.

C. There Is Little Evidence that Pennsylvania’s Mail-in Ballot Practices Are Susceptible to Fraud

There are no large-scale, systematic studies of absentee ballot fraud in the U.S., but there appears to be a general consensus among experts that even if U.S. elections are relatively free of fraud, if fraud is to occur, it likely will take the form of abuse or misuse of absentee ballots. To be clear, the consensus is that absentee balloting may be just slightly less secure than in-person voting, which is not the same thing as alleging that absentee voting is “substantially fraudulent,” as President Trump has tweeted, or claiming that absentee ballot fraud is rampant based on a handful of well-known cases of attempted election rigging by politicians and campaigns through the abuse of absentee ballots.⁴⁷

⁴⁶ Plaintiffs’ Supplemental Objections and Responses to Democratic Intervenors Document Request No 1, (August 14, 2020). (“Neither the original Complaint nor the Amended Complaint contains an allegation that ‘ballot harvesting,’ ‘manipulating and destroying ballots,’ double voting, and/or voter fraud from mail-in and absentee ballots actually occurred during the Primary Election.”)

⁴⁷ See the President’s May 26, 2020 Twitter feed at <https://twitter.com/realDonaldTrump/status/1265255835124539392> (last accessed September 28, 2020).

Compared to in-person or polling place voting, mail balloting has one feature that could make it uniquely vulnerable to fraud if safeguards are not put in place. With mail ballots, what election administrators call the ballot ‘chain of custody,’ which is controlled entirely by election administrators in the case of polling place voting, is broken when the ballot leaves their oversight and goes into the mail, out to the voter, and back. This creates the possibility that the secrecy of the ballot could be compromised, and in the case of states that have permissive rules for third-party involvement in the process, the possibility of voter intimidation, or other forms of corruption of the voting process.⁴⁸ (As discussed below, Pennsylvania does not have permissive rules for third-party involvement in the process.)

At the same time, the National Council of State Legislatures (NCSL) has identified several security measures that protect the integrity of absentee ballots. First, these ballots are hand-marked paper ballots, “considered the gold standard of election security.”⁴⁹ They provide an auditable paper trail that can be investigated if there is suspicion of tampering or meddling. Second, the identity of absentee voters can be secured by requiring the voter to sign an affirmation of truthfulness. Pennsylvania law requires that all absentee and mail ballot applications are signed.⁵⁰

⁴⁸ Hans von Spakovsky, “Four Stolen Elections: The Vulnerabilities of Absentee and Mail-In Ballots,” Legal Memorandum No. 268, Heritage Foundation, July 16, 2020, <https://www.heritage.org/election-integrity/report/four-stolen-elections-the-vulnerabilities-absentee-and-mail-ballots> (last accessed September 28, 2020).

⁴⁹ National Council of State Legislatures, “Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options,” (July 10, 2020), <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx> (last accessed September 28, 2020).

⁵⁰ 25 P.S. § 3146.21 Act of Oct. 31, 2019 (P.L. 552, No. 77), 2019 Pa. Legis. Serv. Act. 2019-77 (S.B. 421) (West). *See also* the mail ballot application at https://www.votespa.com/Register-to-Vote/Documents/PADOS_MailInApplication.pdf (last accessed September 28, 2020).

The NCSL also cites the use of bipartisan teams of ballot counters as enhancing the security of the absentee balloting process, a feature of Pennsylvania law.⁵¹ In addition, the Help America Vote Act of 2002⁵² requires that first-time voters who register to vote by mail must include a copy of personal identification unless they provided a copy with their registration application. And in Pennsylvania, voters must request an absentee ballot or mail-in ballot in writing and include the voter's name, registration address, and a Pennsylvania driver's license/PennDOT identification number or the last four digits of the voter's social security number.⁵³ Additionally in Pennsylvania, when an absentee ballot or mail ballot is returned, during the canvass in Pennsylvania, the county boards of elections are required to examine the declaration on the ballot envelope, verify the proof of identification provided, and be satisfied that the declaration is sufficient and the voter file verifies the right of the elector to vote.⁵⁴

It is worth noting that these security measures also function not just to deter, but to detect voter fraud in absentee ballots. Thus, where procedures such as these are in effect it is erroneous to claim that the minimal evidence of absentee voter fraud is due to an inability to detect it. Indeed, when candidates perpetrate fraud *on voters*, it is caught. For example, the North Carolina State Board of Elections detected a political consultant's efforts to rig a 2018 congressional election in his candidate's favor by collecting absentee ballots and falsifying witness certifications; the race

⁵¹ Absentee and Mail ballots in Pennsylvania are canvassed by the county boards of elections, 25 P.S. § 3146.8, and those boards must include both majority and minority party representation. 25 P.S. § 2641.

⁵² 52 U.S.C. § 21083(b).

⁵³ 25 P.S. § 3302; Act of Oct. 31, 2019 (P.L. 552, No. 77), 2019 Pa. Legis. Serv. Act. 2019-77 (S.B. 421).

⁵⁴ 25 P.S. § 3146.8; Act of Oct. 31, 2019 (P.L. 552, No. 77), 2019 Pa. Legis. Serv. Act. 2019-77 (S.B. 421).

was not certified and a new election was ordered.⁵⁵ When a candidate for state senate in Pennsylvania perpetrated a scheme of fraud to collect absentee ballots in 1993, the cheating was detected and the offending candidate was ordered out of office.⁵⁶

D. Pennsylvania Law has Robust Protections Against Fraud

Pennsylvania's substantial safeguards against fraud help explain why there is very little evidence of absentee ballot fraud in Pennsylvania over at least the past two decades.

First, there are several provisions that provide robust protections against fraud specifically during absentee and mail voting. Pennsylvania law prohibits third parties from collecting ballots on behalf of any non-disabled voter.⁵⁷ Pennsylvania law (including following the passage of Act 77), therefore, safeguards against third-party interference. An additional security measure in Pennsylvania during the absentee and mail voting process, is if a voter has requested an absentee or mail-in ballot, that information is marked on the poll book so that if the voter appears in-person at his or her polling place, unless the voter can produce the spoiled ballot, he or she is prohibited from voting a regular ballot.⁵⁸ Instead, the voter will be offered a provisional ballot, which will not be

⁵⁵ *In Re. Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District*, North Carolina State Board of Elections, (March 13, 2019).

⁵⁶ *Marks v. Stinson*, 93-CV-6157, 1994 WL 47710, at *15 (E.D. Pa. Feb. 18, 1994), *affirmed in part and vacated in part*, 19 F.3d 873 (3d Cir. 1994); Michael Decourcy Hinds, "Vote-Fraud Ruling Shifts Pennsylvania Senate," *New York Times*, February 19, 1994; Michelle L. Robertson, "Election Fraud – Winning At All Costs: Election Fraud in the Third Circuit," *Villanova Law Review* 40 (1995): 869-925.

⁵⁷ 25 P.S. §§ 3146.6(a) & 3150.16(a); see also *In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election*, 843 A.2d 1223, 1225 (Pa. 2004).

⁵⁸ Act of Oct. 31, 2019 (P.L. 552, No. 77), 2019 Pa. Legis. Serv. Act. 2019-77 (S.B. 421) (West); *Pennsylvania Applications and Balloting Guidance: Mail-in and Absentee Ballots and Voter Registration Changes*, Pennsylvania Department of State, at 4–5 (January 10, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_Act%2077_Absentee%20and%20Mail-in%20Guidance.pdf (last accessed September 28, 2020).

counted unless and until it is reconciled to the mailed in ballots that have been received and canvassed.⁵⁹ This process helps to prevent the risk of double voting.

Second, Article III of the Pennsylvania Election Code creates county boards of elections, that, among other things monitor all elections in the state.⁶⁰ Each County Board must report on a regular basis to the secretary of the commonwealth, who is the chief elections officer in the state.⁶¹ And Section 2650 of the code permits any candidate to appoint “watchers,” who can observe polling places or any Board of Elections meeting.

Finally, Pennsylvania has a substantial number of penalties related to fraudulent behavior in elections:

- 25 P.S. § 3525 makes it illegal for an elections officer to defraud the election system by falsifying the count, casting falsified votes, and various other listed offenses, and upon conviction, imposes a sentence to pay a fine not exceeding fifteen thousand (\$15,000) dollars, or to undergo an imprisonment of not more than seven (7) years.
- 25 P.S. § 3539 imposes a punishment of up to seven years and \$15,000 for giving or receiving money in exchange for voting a certain way in an election.
- 25 P.S. § 3502 punishes anyone committing perjury “regarding any material matter or thing relating to any subject being investigated, heard, determined or acted upon by any county board of elections, or member thereof, or by any court or judge thereof, judge of election, inspector of election, or overseer” up to five years in prison and a \$10,000 fine. Any person voting when he or she is not registered to vote or voting more than once can be punished the same.⁶² Several offenses are punishable by up to two years and \$5,000 fine.

⁵⁹ *Pennsylvania Provisional Voting Guidance*, Pennsylvania Department of State, at 4-5 (March 5, 2020), https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_ProvisionalBallots_guidance_1.0.pdf (last accessed September 28, 2020).

⁶⁰ 25 P.S. § 2642.

⁶¹ *Ibid.*

⁶² 25 P.S. § 3533 (2001).

- 25 P.S. § 3516 prohibits the unlawful possession or counterfeiting of ballots, and upon conviction, imposes a sentence to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years.
- 25 P.S. § 3517 prohibits illegally destroying or falsifying a ballot and upon convictions, imposes a sentence to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years.
- 25 P.S. § 3547 prohibits threatening or coercing someone in hopes of affecting his or her vote (including by employers with offers of raises/bonuses, or threats of salary reduction or termination), and imposes a sentence to pay a fine not exceeding five thousand (\$5,000) dollars, or such person or the officers, directors or agents of such corporation responsible for the violation of this section, shall be sentenced to undergo an imprisonment of not more than two (2) years.

E. There is Little Evidence of Absentee Ballot Fraud in Pennsylvania

The available evidence demonstrates that there is very little absentee ballot fraud in Pennsylvania over at least the past two decades. I used the used the Heritage Foundation's election fraud database and searched for any such incidents of fraud occurring in Pennsylvania. Dating back to 1998, the Pennsylvania file contains 17 cases of various forms of election fraud involving 27 people, most of whom were election workers, politicians, or people associated with campaigns or voter registration drives who engaged in conspiracies to corrupt elections by intimidating voters, stuffing ballot boxes, and the like, rather than voters.

Focusing on cases rather than individuals, we find that five of the 17 cases involved absentee ballots. Four of these five cases were conspiracies to rig elections by former elected officials and politicians, a former police chief, and a city council member, as follows:

The first dates back to a 1997 district justice primary race, and the efforts of two brothers, one of them the mayor of Carbondale in Lackawanna County, and a third brother, the candidate. The conspirators illegally obtained and falsely filled out absentee ballots to boost the candidate's chances of winning.

Second, another case from the same May primary cycle, involved former U.S. Representative Austin Murphy who forged absentee ballots for senior citizens living in a nursing home in an election for a township election judge position. The candidate was his wife.⁶³

Third, a decade later, Richard Allan Toney, the former police chief of Harmar Township, similarly attempted to manipulate the absentee ballot laws by applying for absentee ballots for people who were not going to be absent on Election Day. Like Rep. Murphy, Toney was trying to help his wife, who was running in a primary for a seat on the local town council.

Fourth, in 2015, a city council candidate, Eugene Gallagher, pleaded guilty to persuading six non-residents of his borough to use an address in the borough to apply for absentee ballots in a November 2013 borough council election. The six victims signed ballot envelopes for ballots Gallagher then allegedly filled out.

The fifth absentee ballot fraud case in the Heritage Foundation database is a strange story about a 79-year-old man who in 2018, confessed to illegally obtaining absentee ballots and ‘picking up girls’ in the Port Richmond section of Philadelphia, who he brought back to his residence in Delaware County to forge the signatures of deceased individuals. The man pleaded guilty to one count of forgery, one count of false use of an absentee ballot, and two counts of criminal conspiracy.⁶⁴

⁶³ Marylynne Pitz, “Murphy Arraigned on Vote-Fraud Charges,” *Pittsburgh Post-Gazette*, May 25, 1999, <http://old.post-gazette.com/regionstate/19990525murphy6.asp> (last accessed September 28, 2020); Bill Heltzel, “Six of Seven Charges Against Austin Murphy Dismissed,” *Pittsburgh Post-Gazette*, June 22, 1999, <http://old.post-gazette.com/regionstate/19990622murphy6.asp> (last access September 28, 2020).

⁶⁴ Alex Rose, “Collingdale Man Charged with Voter Fraud,” *Delco Daily Times*, November 21, 2018, https://www.delcotimes.com/news/collingdale-man-charged-with-voter-fraud/article_cb571234-ed0f-11e8-86ed-ef972a825af1.html (last accessed September 28, 2020).

Congruent with the data on absentee ballot fraud compiled by the Heritage Foundation, there are no cases of absentee ballot fraud recorded in the News21 database file for Pennsylvania for the more limited time period of 2000 to 2012.⁶⁵

As noted above, the News21 journalism project data was gathered directly from administrative records produced through public records requests to all Pennsylvania county district attorneys and the Administrative Office of Pennsylvania Courts. The latter ran a report on cases charging violations of various Pennsylvania election laws, including those pertaining to absentee voting, for the period 2000 to 2012.⁶⁶ The report included the following six cases:

- 2 people in Westmoreland County pleaded guilty to unlawful voting in 2002 and 2003;
- 1 person in Lehigh County pleaded guilty to unlawful voting in 2004;
- 1 person in Lehigh County charged with tampering with voting machine in 2006, charges withdrawn;
- 1 person in Monroe County charged with interference with primary election in 2009, case dismissed due to death of defendant;
- 1 person in Chester County pleaded guilty to unlawful voting in 2012.

I have not been able to confirm that all of the people charged with ‘unlawful voting’ did not use an absentee ballot because neither district attorney office in Chester nor Westmoreland

⁶⁵ The Toney absentee ballot fraud case occurred during a 2009 Harmar Township Democratic primary election for township supervisor; however, Toney was not indicted until September 2012. He plead guilty to the charges in 2014. See, Torsten Ove, “Ex-Harmar Police chief Pleads Guilty to Ballot Tampering,” *Pittsburgh Post-Gazette*, September 26, 2014, <https://www.post-gazette.com/local/north/2014/09/26/Ex-Harmar-police-chief-pleads-guilty-to-ballot-tampering-Toney/stories/201409260172> (last accessed September 28, 2020).

⁶⁶ The journalism project requested all cases filed statewide since January 1, 2000 (to June 2012, when the request was made) for violations of Title 25 Sections 3515, 3516, 3517, 3518, 3523, 3525, 3527, 3528, 3529, 3533, 3535, 3536, 3538, 3539, 3547, 3548, 3553, and 3554, and to include county, defendant name, charge description, disposition of case, and other identifying information. Sections 3553 and 3554 pertain to the absentee balloting and voting processes.

Counties cooperated with the public records request. The Lehigh County case involved a person who pled guilty to voting twice in one election, in Lehigh County and in Philadelphia. Given that Pennsylvania explicitly codifies violations of its absentee balloting laws,⁶⁷ and none of the four people charged with unlawful voting were charged with violating these provisions, it is unlikely absentee ballots were involved.

Another excellent source of data on local investigation and prosecution of cases of election fraud in Pennsylvania comes from litigation in 2012, challenging a new voter photo identification law.⁶⁸ Plaintiffs in that case subpoenaed all 67 district attorneys for all cases of voter fraud, defined as violations of various Pennsylvania laws, including Title 25 Sections 3553 (“violations of provisions relating to absentee electors ballots”) and 3554 (“violation of provisions relating to absentee voting”), over the prior ten year period. The request included information regarding the date, location, circumstances, and names of all persons with knowledge of the incidents prosecuted or closed, legal details of the cases and the final disposition of each charge.

Forty-five of the 67 district attorneys responded to the subpoenas.⁶⁹ Of this number, only two cited any cases (four individuals altogether whose charges were unrelated to absentee balloting); 36 indicated that they had no cases to report; four claimed they were not able to search their records; and three refused to comply with the subpoena on various grounds.

⁶⁷ 25 P.S. §§ 3553 & 3554.

⁶⁸ *Applewhite v. Commonwealth of Pennsylvania* (Pa. Cmwlth., No. 330 MD 2012). I provided an expert report and testified at trial for plaintiffs in this case.

⁶⁹ Of the 22 counties that failed to respond at all to the Applewhite Plaintiff subpoenas, ten responded to the News21 journalism project’s public records request. Both the subpoenas and these requests were made at the same time, June 2012.

Finally, to bring my review of the evidence fully up-to-date, I want to comment on two recent episodes of alleged election fraud that occurred this year: 1) alleged fraudulent double voting in Philadelphia in June 2020 primary; and 2) the discarding of a handful of mail ballots in Luzerne County that occurred a few weeks ago in conjunction with the 2020 general election.

Neither of these cases appear to be cases of fraud. Instead, they appear to be cases of human error. In the first case, the errors led to four double votes possibly being cast in the June primary in Philadelphia. According to news reports, mistakes were made with polling place records that allowed several people, confused about whether their absentee ballots had been received, to vote again in person. This is what happened to Denise Furey, a Republican Party ward leader and party official. She voted by mail, but when she did not receive confirmation that her ballot had been received, she went to the polls to vote in person. Instead of giving Ms. Furey a provisional ballot, a poll worker made a mistake and instructed Ms. Furey to vote a regular ballot on the voting machine. “I just think that it was a mistake made on the part of some poll workers, and it was a new system. Things are different, it just unfortunately happened,” Ms. Furey told the *Philadelphia Inquirer*.⁷⁰

The second case, in Luzerne County, is still being investigated by local and federal authorities; however, it does not appear to involve fraud, despite President Trump’s allegation.⁷¹ According to news reports, press releases by the U.S. Attorney’s Office for the Middle District of

⁷⁰ Jonathan Lai, “Philly Elections Officials Caught 40 Cases of Double Voting. It’s Not Fraud, But It’s Still A Problem,” *Philadelphia Inquirer*, June 16, 2020, <https://www.inquirer.com/politics/election/pa-primary-election-mail-ballots-double-voting-20200616.html> (last accessed September 28, 2020).

⁷¹ Philip Bump, “What We Know About Those Discarded Trump Ballots in Pennsylvania,” *Washington Post*, September 25, 2020, <https://www.washingtonpost.com/politics/2020/09/25/what-we-know-about-those-discarded-trump-ballots-pennsylvania/> (last accessed September 28, 2020).

Pennsylvania, and a press release by the Luzerne County Manager, the county's election director discovered that a temporary election worker had erroneously discarded nine Uniformed Military and Overseas Citizens Act (UOCAVA) mail ballots. These ballots were recovered and the worker fired. And while all of the facts are not yet known, it is possible that the worker misunderstood rules regarding the handling of mail ballots that are not properly sealed in secrecy envelopes.⁷²

Neither the U.S. Attorney nor local officials have concluded to date that this incident involves fraud and was not instead a product of human error. Luzerne County Manager David Pedri told the local ABC news affiliate that, "There was an error and we owned that, and we say there was a mistake. There was an error and those ballots should not have been thrown away, but they were, so we own that. But that error was caught by a public servant. She reported it to the authorities and law enforcement has taken it from here."⁷³

Taking all of the available evidence together, it is clear that over at least the last 20 years, absentee ballot fraud in Pennsylvania has been extremely rare, even when including the most

⁷² See, U.S. Attorney's Office for the Middle District of Pennsylvania, Press Release, "Revised Statement of U.S. Attorney Freed On Inquiry Into Reports of Potential Issues with Mail-In Ballots," September 24, 2020, <https://www.justice.gov/usao-mdpa/pr/revised-statement-us-attorney-freed-inquiry-reports-potential-issues-mail-ballots> (last accessed September 28, 2020). The statement was published then revised to correct a misreport that all nine ballots had been cast for Trump. Philip Bump posted the original statement on Twitter: <https://twitter.com/pbump/status/1309224451096154119>, September 24, 2020 (last accessed September 28, 2020). See also the U.S. Attorney's letter to the Luzerne County Bureau of Election Director explaining the mistake: <https://www.justice.gov/usao-mdpa/pr/letter-luzerne-county-bureau-elections> (last accessed September 28, 2020). See also, Viktoria Hallikaar, "Luzerne County Says A Temporary Worker Threw Out Military Ballots," Fox56 Newsroom, September 25, 2020 <https://wjactv.com/news/local/luzerne-county-responds-to-umova-ballot-investigation> (last accessed September 28, 2020).

⁷³ Chelsea Strub, "County Officials Offer Explanation on Tossed Ballots," Newswatch 16, Willkes-Barre, Pennsylvania, September 25, 2020. See also, "Luzerne County's Response to the Requested Investigation of UMOVA Ballots," County of Luzerne, Pennsylvania, September 25, 2020, <https://dig.abclocal.go.com/wpvi/PressReleaseCountyUMOVAballots.pdf> (last accessed September 28, 2020).

common form of absentee ballot fraud when it does occur, which is *fraud perpetrated on the voters* by corrupt elected officials, campaign workers, candidates or election workers.

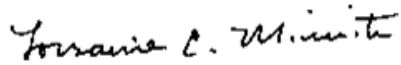
V. CONCLUSION

The incidence of fraud committed by voters, both nationally and in Pennsylvania, including absentee ballot fraud, is miniscule relative to the number of ballots routinely cast in U.S. elections, including in Pennsylvania.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

I reserve the right to continue to supplement my declarations in light of additional facts, testimony, and/or materials that may come to light.

Executed this 30th day of September, 2020, in Millerton, New York.

A handwritten signature in cursive script, reading "Lorraine C. Minnite".

Lorraine C. Minnite

APPENDIX A

LORRAINE CAROL MINNITE

Rutgers, State University of New Jersey-Camden
Dept. of Public Policy & Administration
401 Cooper Street
Camden, New Jersey 08102
lcm130@camden.rutgers.edu
Tel. (856) 225-2526

EDUCATION

The Graduate School and University Center of the City University of New York

Ph.D. in Political Science, 2000

Dissertation: "Identity, Voting Rights and the Remapping of Political Representation in New York City"

Honors: Distinction

M.Phil. in Political Science, 1994

Major field: American Politics

Minor field: Public Policy

M.A. in Political Science, 1992

Master's Thesis: "The Ecology of the Underclass: William Julius Wilson and the Chicago School"

Boston University, College of Liberal Arts

B.A. in History, 1983

Area of Concentration: American Civilization

ACADEMIC EXPERIENCE

Associate Professor

Rutgers, The State University of New Jersey – Camden Campus, 2011 to present.

Teach graduate courses in public policy and community development, and undergraduate courses in urban studies and voting rights.

Assistant Professor

Barnard College, Columbia University, January 2000 to 2011.

Taught undergraduate courses in American politics and urban studies.

Associate Director

The Center for Urban Research and Policy, Columbia University, December 1993 to 2000.

Responsible for the day-to-day management of the Center; wrote grant proposals and helped secure funding from government and private sources for all activities totaling nearly \$2,000,000.

Instructor and Research Associate

Metropolitan Studies Department, New York University, Spring 1991.

Designed and taught a core course for undergraduates on the political and economic development of post-war American cities.

Assistant Program Director

Borough of Manhattan Community College, City University of New York, 1987 to 1990.

Assisted the Director in all administrative aspects of the BMCC Summer Immersion Program, a non-traditional, intensive, remedial education program.

Research Assistant and Data Analyst

CUNY Data Service, The Graduate School, City University of New York, 1987 to 1991.

Programmed and analyzed large data sets from the 1980 STF and PUMS (microdata) Census files, and the New York City Housing and Vacancy Surveys.

Research Assistant

Department of Political Science, The Graduate School, City University of New York, 1985 to 1987.

Worked on various research projects for Prof. Marilyn Gittell.

OTHER EMPLOYMENT

Research Director

Project Vote, 2010 to 2011.

Developed a research program and conducted research for a non-profit organization that runs voter registration drives, litigates violations of the National Voter Registration Act of 1993, and advocates for the voting rights of minorities, youth and the poor.

Issues Director

The Committee for David N. Dinkins, II, New York City, 1991 to 1993.

Conducted research for Mayor David N. Dinkins' campaign committee on a wide range of public policy issues and problems facing New York City.

Campaign Manager

McCabe for City Council, Brooklyn, New York, 1991.

Organized and administered a successful campaign for the Democratic Party nomination and the New York City Council seat in the 38th Council District.

Union Organizer

District 65/UAW, (AFL-CIO), Northeast Regional Office, Boston, Massachusetts, 1984 to 1985, Summer 1986.

Participated in the planning and implementation of a union organizing campaign; served as editor of a union local's newsletter; assisted negotiating committee in contract negotiations.

ACADEMIC AND PROFESSIONAL HONORS

Distinguished Alumni Award, Department of Political Science, CUNY Graduate School, 2014

Jay Sigler Award for Teaching Excellence, Rutgers-Camden Public Administration Student Association, 2013

Affiliated Faculty, Center for Community Leadership, Rutgers-Camden, 2013 to 2018

Affiliated Faculty, Center for Urban Research and Education, Rutgers-Camden, 2012 to present

Civic Engagement Faculty Fellow, Rutgers-Camden, 2012

Selected a "Top Wonk" in Democracy and Elections, The Agenda Project, 2012

2011 *Choice* Magazine "Outstanding Academic Title" for *The Myth of Voter Fraud*

Carnegie Corporation of New York Special Opportunities Fund Award (\$50,000), 2007

Senior Fellow, Dēmos – A Network for Ideas and Action, 2006 to 2014

Member, Working Group on Immigration Challenges, The Century Foundation Homeland Security Project, 2004

Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University, 2002 to 2011

Member, Working Group on New York's Recovery from 9-11, Russell Sage Foundation, 2002 to 2005

Curriculum Development Award (\$1,500), Barnard Project on Diaspora and Migration, 2000

CUNY Graduate School Dissertation Year Fellowship (\$10,000), 1996-1997

PROFESSIONAL AFFILIATIONS

American Political Science Association

American Sociological Association

Association for Public Policy Analysis and Management

Scholars Strategy Network

Social Science History Association

Southern Political Science Association

Urban Affairs Association

TEACHING ACTIVITIES

Doctoral Supervision: Chair

Rutgers-Camden

Lew Bivona, *in-progress*
Jackie Bradley-McFarlane, *in progress*
Sarah DeGiorgis, *in progress*
Shaina Gaines, *in-progress*
Peggy Jean Craig McCaffery, *in-progress*
Dan Tarn, *in-progress*
Galadriel Thoman, *in-progress*
Rasheda Weaver, *completed 5/17*
Curtis Williams, *in-progress*
Zachary Wood, *completed 5/18*

Doctoral Supervision: Committee Member

Rutgers-Camden

Spencer Clayton, *completed 5/18*
Ashley Nickels, *completed 5/16*
Wendy Osefo, *completed 7/16*
Anetha Perry, *in progress*
Jason Rivera, *completed 7/15*

External Examiner (Ph.D.)

Fielding Graduate School

Gregory Williams, *completed 10/18*

Courses Taught

Rutgers University-Camden (Graduate)

Alternative Development Strategies for Distressed Cities (Ph.D.)
Civic Engagement, Nonprofits and Community Development (Ph.D.)
Foundations of Policy Analysis (MPA and Executive MPA)
Politics of Community Development (Ph.D.)
Practicum in Community Development (Ph.D.)
Research Workshop (MPA)
Theory and History of Community Development (Ph.D.)
Urbanism and Sustainable Development in Cuba (Undergraduate and Graduate-level Study Trip)

Rutgers University-Camden (Undergraduate)

Honors College Seminar: Democracy and the Right to Vote
Poverty and the Urban Environment

Barnard College, Columbia University (Undergraduate)

American Urban Politics
Contemporary Urban Problems
Dynamics of American Politics
Participation and Democracy
Senior Research Seminar in American Politics
Urban Myths and the American City

New York University (Undergraduate)

The Crisis of the Modern American City

Graduate Committee Examiner

Rutgers University, Ph.D. Program in Public Affairs/Community Development, Dissertation Committees (see above)
Fielding Graduate University, Program in Human and Organizational Development, External Examiner, 12/18.

Columbia University Ph.D. Program in Political Science, Dissertation Committee, 12/00, 5/03, 5/09.
 Columbia University School of Architecture, Planning and Preservation, Dissertation Proposal Committee, 2/08.
 Columbia University School of Architecture, Planning and Preservation, Dissertation Committee, 4/10.
 CUNY Graduate Center Ph.D. Program in Political Science, Dissertation Committee, 4/05, 5/06, 8/06.
 CUNY Graduate Center Ph.D. Program in Political Science, Oral Doctoral Exam, 12/00.

PEER-REVIEWED PUBLICATIONS

Books

The Myth of Voter Fraud, Ithaca, New York: Cornell University Press, 2010.

Keeping Down the Black Vote: Race and the Demobilization of American Voters, New York: The New Press, 2009; co-authored with Frances Fox Piven and Margaret Groarke.

Journal Articles

"New Challenges in the Study of Right-wing Propaganda: Priming the Populist Backlash to 'Hope and Change,'" *New Political Science* 34:4 (2012), 506-526.

"Modeling Problems in the Voter ID-Voter Turnout Debate," *Election Law Journal* 8:2 (2009), 85-102; co-authored with Robert S. Erikson.

"Models, Assumptions, and Model Checking in Ecological Regressions," *Journal of the Royal Statistical Society* 164, Part 1 (2001), 101-118; co-authored with Andrew Gelman, David K. Park, Stephen Ansolabehere, and Phillip N. Price.

Chapters in Edited Volumes

"Voter Suppression," in Levon Chorbajian and Daniel Egan, eds., *Power and Inequality: Critical Readings for a New Era*, New York: Routledge, *forthcoming*; co-authored with Frances Fox Piven.

"Competing Concepts of Social Class: Implications and Applications for Community Development," in Mae Shaw and Marjorie Mayo, eds., *Class, Inequality and Community Development*, Bristol, UK: Policy Press at the University of Bristol, 2016; co-authored with Frances Fox Piven.

"The Voter Fraud Myth," in Benjamin E. Griffith, ed., *America Votes! Challenges to Election Law and Voting Rights*, Chicago: American Bar Association, 2016.

"Making Policy in the Streets," in James DeFilippis, ed., *Urban Policy in the Time of Obama*, Minneapolis: University of Minnesota Press, 2016; co-authored with Frances Fox Piven.

"Poor People's Politics," in David Brady and Linda Burton, eds., *Oxford Handbook of the Social Science of Poverty*, New York: Oxford University Press, 2016; co-authored with Frances Fox Piven.

"Crisis, Convulsion and the Welfare State," in Kevin Farnsworth and Zoë Irving, eds., *Social Policy in an Age of Austerity*, Policy Press, 2015; co-authored with Frances Fox Piven.

"Voter Identification Laws: The Controversy Over Voter Fraud," in Matthew J. Streb, ed., *Law and Election Politics: The Rules of the Game*, 2nd Ed., New York: Routledge, 2012.

"Lost in Translation? A Critical Reappraisal of the Concept of Immigrant Political Incorporation," in Jennifer Hochschild and John H. Mollenkopf, eds., *Bringing Outsiders In: Transatlantic Perspectives on Immigrant Political Incorporation*, Ithaca, New York: Cornell University Press, 2009.

"Environmental Risk and Childhood Disease in an Urban Working Class Caribbean Neighborhood," in Sherrie L. Baver and Barbara Lynch Deutsch, ed., *Beyond Sun and Sand: Caribbean Environmentalisms*, New Brunswick, NJ: Rutgers University Press, 2006; co-authored with Immanuel Ness.

"Outside the Circle: The Impact of Post-9/11 Responses on the Immigrant Communities of New York City," in John H.

Mollenkopf, ed., *Contentious City: The Politics of Recovery in New York City*, New York: Russell Sage Foundation, 2005.

"Between White and Black: Asian and Latino Political Participation in the 2000 Presidential Election in New York City," in William E. Nelson, Jr. and Jessica Lavariega Monforti, eds., *Black and Latino/a Politics: Issues in Political Development in the United States*, Miami: Barnhardt and Ash, 2005; co-authored with John Mollenkopf.

"The Changing Arab New York Community," in Kathleen Benson and Philip M. Kayal, eds., *A Community of Many Worlds: Arab Americans in New York City*, Syracuse: Syracuse University Press, 2002; co-authored with Louis Abdellatif Cristillo.

"Social Capital, Political Participation and the Urban Community," in Susan Saegert, J. Phillip Thompson, and Mark Warren, eds., *Social Capital and Poor Communities*, New York: Russell Sage Foundation, 2001; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"Patterns of Neighborhood Change," in John H. Mollenkopf and Manuel Castells, eds., *Dual City: Restructuring New York*, New York: Russell Sage, 1991; co-authored with Frank F. DeGiovanni.

OTHER PUBLICATIONS

Chapter in Conference Proceedings

"The Political Participation of Immigrants in New York," in *In Defense of the Alien: Proceedings of the 2000 Annual National Legal Conference on Immigration and Refugee Policy*, Vol. XXIII. New York: Center for Migration Studies, 2001; co-authored with Jennifer Holdaway and Ronald Hayduk.

Encyclopedia Entries

"Voter Participation," in *The Encyclopedia of Macro Social Work*, New York: Oxford University Press, *forthcoming* (2021); co-authored with Frances Fox Piven.

"Voter Participation," in *The Encyclopedia of Social Work*, 20th ed., New York: Oxford University Press, 2008, online version, 2013; online update *forthcoming*; co-authored with Frances Fox Piven.

"The Underclass," in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier, 2016; co-authored with Paul J. Jargowsky.

"Welfare," in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier, 2016; co-authored with Joan Maya Mazelis.

"The Working Families Party," in Immanuel Ness, ed. *The Encyclopedia of American Third Parties*, Armonk, New York: M.E. Sharpe, Inc., 2000.

Book Reviews

Waiting for the Cemetery Vote, by Tom Glaze, *American Review of Politics*, (Spring/Summer 2012).

Election Fraud: Detecting and Deterring Electoral Manipulation edited by R. Michael Alvarez, Thad Hall and Susan D. Hyde, *Election Law Journal* 8:3 (2009).

Governing From Below: Urban Regions and the Global Economy by Jefferey M. Sellers, Cambridge University Press, 2002, in *Political Science Quarterly* Vol. 118, No. 4 (Winter 2003-2004).

Social Class, Politics, and Urban Markets: The Makings of Bias in Policy Outcomes by Herman L. Boschken, Stanford, CA: Stanford University Press, 2002, in *The International Journal of Urban and Regional Research*, Vol. 27, No. 4 (December 2003).

The Miami Fiscal Crisis: Can A Poor City Regain Prosperity? by Milan J. Dluhy and Howard A. Frank, Westport, Connecticut: Praeger Publishers, 2002, in *Political Science Quarterly* Vol. 117, No. 4 (Winter 2002-2003).

Research Reports, Memoranda and Briefs

The Misleading Myth of Voter Fraud in American Elections, Key Findings Brief, Scholars Strategy Network, February 2014.

Latino New Yorkers in the 2008 Presidential Election: The New Americans Exit Poll, New York Latino Research Network (NYLARNet) at The University of Albany, Fall 2011.

Research Memo: First-time Voters in the 2008 Election, Project Vote, Washington, D.C., April 2011.

An Analysis of Who Voted (And Who Didn't Vote) in the 2010 Election, Project Vote, Washington, D.C., November 2010.

Research Memo: Debunking the Tea Party's Election Night Message, Project Vote, Washington, D.C., October 26, 2010.

What Happened to Hope and Change? A Poll of 2008 Voters, Project Vote, Washington, D.C., September 2010.

Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security, Dēmos – A Network for Ideas and Action, New York, November 2007.

The Politics of Voter Fraud, Project Vote, Washington, D.C., March 2007.

Securing the Vote: An Analysis of Election Fraud, Dēmos – A Network for Ideas and Action, 2003, New York; updated 2007; co-authored with David Callahan.

Journalism

My expertise on elections and voter fraud was sought and widely cited and I was quoted in print and broadcast media in every federal election since 2008, including, for example, in the following: *The New Yorker Magazine*, *The New Yorker Radio Hour*, *The New Republic*, *Mother Jones*, *The Wall Street Journal*, *The Financial Times*, *In These Times*, *American Prospect*, *Washington Monthly*, *Monthly Review*, *New Left Review*, *The New York Times*, *The Washington Post*, *The Christian Science Monitor*, *Associated Press*, *McClatchy*, *Al Jazeera English* (*Fault Lines*, Washington, D.C.), *WZBC* (News, Boston), *WBAI* (*Democracy Now!*, New York), *WNYC* (*The Brian Lehrer Show*, New York), *WHYY* (*Radio Times*, Philadelphia), *NPR* (*Morning Edition*, Washington, D.C.), *CBS News*, *ABC News Radio*, *Salon.com*, *Talking Points Memo*, *Alternet*, *The Huffington Post*, *Slate Magazine*, and *CQ Researcher*, among many others.

"Why the Democrats and Movements Need Each Other," *In These Times* (cover story), October 17, 2017; co-authored with Frances Fox Piven.

"The Power of Disruption: An Interview with Frances Fox Piven," *Global Dialogue: Newsletter for the International Sociological Association* 5(4): December 2015.

"The Myth of Voter Fraud," *BillMoyers.com*, March 9, 2015.

"Movements Need Politicians – And Vice Versa," *The Nation*, October 22, 2012; co-authored with Frances Fox Piven.

"The Other Campaign: Who Gets To Vote," *New Labor Forum*, May 2012; co-authored with Frances Fox Piven.

"Why We Need ACORN," *Los Angeles Times*, April 22, 2010; co-authored with Frances Fox Piven.

"Re-Drawing the Map of U.S. Politics," *Red Pepper*, April, 2008; co-authored with Frances Fox Piven.

"N.C. Rejects Politics of Fear," *The Charlotte Observer*, Charlotte, North Carolina, July 18, 2007.

"They Are Arriving: Immigrants Are Gaining Power in New York's Voting Booths," *New York Daily News*, New York, July 24, 2005.

"Albany's Making Bad Elections Worse," *New York Daily News*, New York, August 22, 2004.

UNPUBLISHED PAPERS, PRESENTATIONS AND REPORTS

Works in Progress

“*Demosprudence* and Grassroots Struggles to Protect and Expand the Right to Vote”

“Does Concentration Worsen Poverty? The Case of Philadelphia”

“Human Error in Election Administration”

“Felony Disfranchisement and the New Three-Fifths Rule”

“The Voting Rights of the Poor”

“The Forgotten History of Mobilization for Youth”

Black Suffrage and American Democracy (monograph)

Conference Participation, Papers and Invited Presentations

Discussant, “Local Election Officials and Election Management,” Conference Within a Conference, 91st Annual Meeting of the Southern Political Science Association, San Juan, Puerto Rico, January 9-11, 2020.

“Human Error in Election Administration,” paper presented at the 89th Annual Meeting of the Southern Political Science Association, New Orleans, January 4-6, 2018.

Invited Panelist, “Impasses: Beyond Social Democracy,” Transcending Pessimism, Reimagining Democracy: A Conference in Honor of Leo Panitch, York University, Toronto, October 6-7, 2017.

Invited Lecture, “The Politics of Voting: Who Shall Be the Electors?” Saul O. Sidore Lecture Series, Centers on Race, Class and Gender in a Divided America, University of New Hampshire-Manchester, Manchester, New Hampshire, March 21, 2017.

“Deadwood and Disenfranchisement: Maintaining Election Lists in the United States,” paper presented at the 87th Annual Meeting of the Southern Political Science Association, New Orleans, January 12-14, 2017; co-authored with Margaret Groarke.

Invited Speaker, “Defending Democracy: How Political Scientists Are Engaging in the Fight Over Voting Rights (And Why You and Your Dept. Should Too),” roundtable presented by the Scholars Strategy Network at the 112th Annual Meeting of the American Political Science Association, Philadelphia, September 1-4, 2016.

Invited Panelist, “Beyond Neoliberalism: Social Justice after the Welfare State,” Symposium Sponsored by the Center for the Study of Social Difference, Women Creating Change, the Heyman Center for the Humanities, and the History Department at Columbia University, New York City, April 2, 2016.

Invited Panelist, “Voting Rights at 50,” 22nd Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 7, 2015.

Panel Organizer and Chair, “Electoral Rules, Voting and Turnout: New Pathways for Research,” panel at the 111th Annual Meeting of the American Political Science Association, San Francisco, September 3-6, 2015.

“Community and Class in a Neoliberal Age,” paper presented at the 110th Annual Meeting of the American Sociological Association, Chicago, August 22-25, 2015; co-authored with Frances Fox Piven.

“Black Urban Liberalism: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2010,” paper presented at the 45th Annual Meeting of the Urban Affairs Association, Miami, April 8-11, 2015.

Invited Speaker, “Does Concentration Worsen Poverty? The Philadelphia Case,” Center for Urban Research and Education, Rutgers University, Camden, December 12, 2014.

Invited Speaker, “The State of Voting Rights,” sponsored by the Atlanta Chapter of the Scholars Strategy Network, Atlanta, December 2, 2014.

“The Poverty of Politics in a Northern City: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2000,” paper presented at the 39th Annual Meeting of the Social Science History Association, Toronto, November 6-9, 2014.

“Crisis, Convulsion and the Welfare State,” roundtable presentation at the 109th Annual Meeting of the American Sociological Association, San Francisco, August 16-19, 2014; co-authored with Frances Fox Piven.

“Making Policy in the Streets,” paper presented at the 44th Annual Meeting of the Urban Affairs Association, San Antonio, March 20, 2014; co-authored with Frances Fox Piven.

Invited Panelist, “Voter Suppression, Equal Rights, and the Promise of Democracy,” sponsored by the Scholars Strategy Network, the Center for American Political Studies, and the Malcolm Wiener Center for Social Policy, Harvard University, March 6, 2014.

“Crisis, Convulsion and the Welfare State,” paper presented at the 11th Annual Meeting of the European Sociological Association, Torino, Italy, August 28-31, 2013; co-authored with Frances Fox Piven.

Invited Panelist, “Anatomy of A Public Interest Lawsuit: Voter ID Legislation – A Public Interest Legal Challenge,” sponsored by Penn Law Clinical Programs, Lawyering in the Public Interest, Toll Public Interest Center, American Constitution Society and the Civil Rights Law Project, University of Pennsylvania Law School, Philadelphia, Pennsylvania, November 5, 2012.

Invited Panelist, “Disenfranchise This: The Cost of Voter Suppression,” 19th Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 3, 2012.

Invited Panelist, “The Voting Rights Act: Where Do We Go From Here?” Rutgers University Law Review Symposium, Trenton, New Jersey, April 13, 2012.

Invited Panelist, “Voting Rights,” Civil Rights Law Society, Columbia University Law School, New York City, March 20, 2012.

Invited Panelist, “Race and Public Policy,” conference at George Mason University School of Public Policy, Arlington, Virginia, October 10, 2011.

Invited Panelist, “Organizing the Poor for Rights: The Work of Frances Fox Piven,” 107th Annual Meeting of the American Political Science Association, Seattle, September 1-4, 2011.

“Is Political Polarization Good or Bad for Democracy?,” paper presented at the 69th Annual Meeting of the Midwest Political Science Association, Chicago, March 30-April 2, 2011.

Invited Roundtable Participant, “Voter Disenfranchisement in American Politics,” 82nd Annual Meeting of the Southern Political Science Association, New Orleans, January 6-8, 2011.

Invited Panelist, “Voter Participation,” New York City Charter Revision Commission, New York City, June 2, 2010.

Discussant, “Immigrant Voters: Asian Americans and the 2008 Election,” Immigration Seminar Series, Graduate School and University Center of the City University of New York, May 4, 2009.

“Purging Voters Under the NVRA,” paper presented at the 67th Annual Meeting of the Midwest Political Science Association, Chicago, April 2-5, 2009; co-authored with Margaret Groarke.

Invited Panelist, “Democracy in America: The African-American Experience – Then, Now and Future,” U.S. Mission to the United Nations, New York, March 17, 2009.

Invited Speaker, “Voter Suppression in the 2008 Presidential Election,” Funders Committee for Civic Participation,

Washington, D.C., December 9, 2008.

Invited Panelist, "Stealing the Vote in 2008," A Panel Discussion at New York University, October 16, 2008.

Invited Panelist, "Keeping Down the Vote: Vote Suppression and the 2008 Election," Sarah Lawrence College, September 23, 2008.

"Modeling Problems in the Voter ID-Voter Turnout Debate," paper presented at the 8th Annual State Politics and Policy Conference, Temple University, Philadelphia, May 30-31, 2008; co-authored with Robert S. Erikson.

Panelist, "Keeping Down the Black Voter: Race and the Demobilization of American Voters," *Left Forum*, New York, March 16, 2008.

Panel Discussant, "Group Mobilization, Partisanship, Ideas, and Leadership: The Los Angeles and New York Mayoral Elections of 2005," 102nd Annual Meeting of the American Political Science Association, Philadelphia, August 31-September 3, 2006.

"Re-thinking Immigrant Political Incorporation," paper presented at the 36th Annual Meeting of the Urban Affairs Association, Montreal, Canada, April 19-22, 2006.

"Immigrant Politics in an Age of Terror," paper presented at the 101st Annual Meeting of the American Political Science Association, Washington, D.C., September 1-4, 2005.

Panel Discussant, "Immigrants As Local Political Actors," 100th Annual Meeting of the American Political Science Association, Chicago, September 1-4, 2004.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, August 5, 2004.

"The Impact of 9/11 on Immigrant Politics in New York, With a Focus on Arab, Muslim, and South Asian Immigrant Communities," Columbia University Seminar on the City, New York City, March 23, 2004.

Invited Participant, "The Impact of Post-9/11 Immigration and Law Enforcement Policies," The Century Foundation, New York City, February 4, 2004.

Workshop Participant, Multi-race Study Group, *Harvard CAPS Workshop on Methodologies to Study Immigrant Political Incorporation*, Harvard University, Cambridge, October 30-31, 2003.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, July 10, 2003.

Panelist, "Rebuilding Post-War Iraq: Domestic and International Implications," Community Forum, Barnard College, New York City, April 21, 2003.

"Political Participation and the Neglected Role of Spatial Form," paper presented at the 33rd Annual Meeting of the Urban Affairs Association, Cleveland, Ohio, March 27-30, 2003.

Invited Speaker, "Teach-In on Iraq," Barnard College, New York City, November 8, 2002.

Panelist, "Colloquium on Responding to Violence," in honor of Virginia C. Gildersleeve Lecturer, Jody Williams, Barnard Center for Research on Women, Barnard College, New York City, October 25, 2002.

Panel Moderator, "Who is Brooklyn?" at *The Future of Brooklyn* Conference, Brooklyn College, June 7, 2002.

"Asian and Latino Participation in New York City: The 2000 Presidential Election," paper presented at the 97th Annual Meeting of the American Political Science Association, San Francisco, August 29 – September 2, 2001; co-authored with John H. Mollenkopf.

Organizer and Panelist, *The Changing Face of New York's Electorate: The Immigrant Vote in 2000 and Beyond*, A Panel

Discussion and Media Briefing sponsored by the New York Immigration Coalition and Barnard College, New York City, May 2, 2001.

Organizer and Panelist, *The Muslim Communities in New York City Project; A One-Day Conference*, sponsored by the Center for Urban Research and Policy and the Middle East Institute at the School of International and Public Affairs, Columbia University, New York City, April 30, 2001.

Panelist, *Democratizing New York City; Re-imagining City Government*, sponsored by the Center for Humanities, CUNY Graduate Center, New York City, March 27, 2001.

Organizer and Panel Moderator, *Independent Politics in A Global World*, sponsored by the Independent Politics Group, CUNY Graduate Center, New York City, October 6-7, 2000.

"Political Capital and Political Participation," paper presented at the 96th Annual Meeting of the American Political Science Association, Washington, D.C., August 31-September 3, 2000; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"The Political Participation of Immigrants in New York," at *Immigrant Political Participation in New York City; A One-Day Working Conference*, sponsored by the Center for Urban Research/CUNY and the International Center for Migration, Ethnicity, and Citizenship, New York City, June 16, 2000

"The Muslim Community in New York City Project," with Louis Abdellatif Cristillo; *Muslims in New York: An Educational Program for Religious Leaders in New York City*, seminar on faith traditions in New York; sponsored by the Interfaith Center of New York and the Imans Council of New York, New York City, June 14, 2000.

"The Political Participation of Immigrants in New York," Session VI on *Integration of Immigrants and Their Descendants*, Center for Migration Studies 20th Annual National Legal Conference on Immigration and Refugee Policy, Washington, D.C., March 30-31, 2000.

"The Changing Arab New York Community," with Louis Abdellatif Cristillo; *A Community of Many Worlds: Arab Americans in New York City*, symposium sponsored by the Museum of the City of New York, New York City, February 5-6, 2000.

"The Political Incorporation of Immigrants in New York," paper presented at the 95th Annual Meeting of the American Political Science Association, Atlanta, September 1-4, 1999; co-authored with Jennifer Holdaway and Ronald Hayduk.

"Political Capital and Political Participation," co-authored with Ester R. Fuchs and Robert Y. Shapiro; paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999.

"Racial and Ethnic and Urban/Suburban Differences in Public Opinion and Policy Priorities," paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999; co-authored with Ester R. Fuchs, Robert Y. Shapiro, and Gustavo Cano.

"The Importance of Full Disclosure of Non-response Due to Refusals and the Nature of Potential Bias in Phone Surveys," with Robert Y. Shapiro, evening workshop presentation to the New York City chapter of the American Association for Public Opinion Research, New York City, March 9, 1999.

"White, Black and Latino Voter Turnout in the 1993 New York City Mayoral Election: A Comparison of Ecological Regression Techniques and Exit Poll Data," paper presented at the 94th Annual Meeting of the American Political Science Association, Boston, September 4, 1998; co-authored with David K. Park and Daniel M. Slotwiner.

Panel Discussant, "Race, Rights, and American Politics;" panel at the 27th Annual Meeting of the Northeastern Political Science Association and International Studies Association-Northeast, Newark, New Jersey, November 9-11, 1995.

"Assessing the Quality of Political Reform: Redistricting and the Case of New York City," paper presented at the Annual Meeting of the New York State Political Science Association, Albany, New York, April 22, 1994.

Research Reports

How to Think About Voter Participation, White Paper, New York City Charter Revision Commission, July 2010.

The Myth of Voter Fraud, White Paper, Dēmos – A Network for Ideas and Action, May 2002.

Evaluation of the New York Immigration Coalition's '200,000 in 2000: New Americans Pledging to Strengthen Democracy and New York' Initiative, Final Report to the New York Foundation, with John H. Mollenkopf, August 2001.

A Study of Attitudes Among Low-Income Parents Toward Environmental Health Risks and Childhood Disease: The Brooklyn College COPC Survey, with Immanuel Ness, June 2001.

Political Participation and Political Representation in New York City; With a Special Focus on Latino New Yorkers, Report of the Columbia University/Hispanic Education and Legal Fund Opinion Research Project, co-authored with Robert Y. Shapiro and Ester R. Fuchs, December 1997.

Expert Participation in Federal and State Voting Rights Cases

Expert Reports, *Missouri NAACP v. State of Missouri*, No. 20AC-CC00169, Circuit Court of Cole County, Missouri, 2020.

Expert Report, *Fair Fight Action v. Raffensperger*, U.S. District Court for the Northern District of Georgia, Atlanta Division, 2019.

Expert Report, *North Carolina State Conference of the NAACP v. Cooper*, U.S. District Court for the Middle District of North Carolina, 2019.

Expert Witness, *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough, SS, Southern District, 2018.

Expert Witness, *Fish v. Kobach*, U.S. District Court for the District of Kansas, 2016-2018.

Expert Witness, *One Wisconsin Institute v. Nichols et al.*, U.S. District Court for the Western District of Wisconsin, 2016.

Expert Witness, *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District of Virginia, 2016.

Expert Witness, *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, 2015.

Expert Witness, *North Carolina State Conference of the NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina, 2014-2016.

Expert Witness, *Veasey v. Perry*, U.S. District Court for the Southern District of Texas, 2014-2015.

Expert Witness, *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, U.S. District Court for the Eastern District of Wisconsin, 2012-2013.

Expert Witness, *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania, 2012-2013.

Expert Report, *Rutgers University Student Assembly et al. v. Middlesex County Board of Elections*, Superior Court of New Jersey/Middlesex County, 2011.

Expert Witness, *Democratic National Committee, et al. v. Republican National Committee, et al.*, U.S. District Court in the District of New Jersey, 2008-2009.

Amicus and Affidavit Filings, and Congressional and Other Testimony

Pennsylvania Democratic Party v. Boockvar, No. 133 MM 2020, Affidavit of Lorraine C. Minnite, Supreme Court of Pennsylvania, September 8, 2020.

Missouri State Conference of the NAACP v. State of Missouri, Missouri Supreme Court, Brief of Amicus Curiae Lorraine C. Minnite, June 8, 2020.

U.S. Commission on Civil Rights Briefing, “An Assessment of Minority Voting Rights Obstacles in the United States,”

Raleigh, North Carolina, February 2, 2018 (oral and written testimony).

Shelby County, Alabama v. Holder; U.S. Supreme Court, Brief of Historians and Social Scientists as *Amici Curiae* in Support of Respondents, February 1, 2013 (signatory).

League of Women Voters v. Rokita; Supreme Court of Indiana, Brief of *Amici Curiae* Lonna Rae Atkeson, Matt A. Barreto, Lorraine C. Minnite, Jonathan Nagler, Stephen A. Nuño and Gabriel Ramon Sanchez in Opposition to Defendant's Petition to Transfer, November 2009.

U.S. Senate Committee on Rules and Administration, *Hearing on In-Person Voter Fraud: Myth and Trigger for Voter Disenfranchisement?*, March 12, 2008 (invited written testimony).

Expert Witness, U.S. House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, *Oversight Hearing on Voter Suppression*, February 26th, 2008 (oral and written testimony).

William Crawford, et al. v. Marion County Election Board, et al.; *Indiana Democratic Party, et al. v. Todd Rokita et al.*; U.S. Supreme Court, Brief of *Amici Curiae* The Brennan Center for Justice, Demos: A Network for Ideas and Action, Lorraine C. Minnite, Project Vote, and People for the American Way Foundation in *Support of Petitioners*, November 2007.

William Crawford, et al. v. Marion County Election Board, et al.; *Indiana Democratic Party, et al. v. Todd Rokita et al.*; U.S. Supreme Court, Brief of *Amici Curiae* of Historians and Other Scholars in *Support of Petitioners*, November 2007 (signatory).

Fact Witness, *ACORN et al. v. Bysiewicz*, U.S. District Court in the District of Connecticut, 2004-2005.

RESEARCH AND OTHER GRANTS

Principle Investigator, "Urbanism and Sustainable Development in Cuba," Rutgers Global Study Abroad - International Service-Learning Innovation Grant, 2020-2022 (\$5,000).

Principle Investigator, "Camden City Exit Poll," Rutgers Research Council Award, 2018-2019 (\$2,000).

Co-Recipient, Rutgers University Centers for Global Advancement and International Affairs, 2016 (\$10,000).

Recipient, Rutgers-Camden Learning Abroad Office, Course Development Grant, 2015 (\$1,000).

Principle Investigator, "The Political Exclusion of the Urban Poor," Rutgers Research Council Award, 2013-2014 (\$3,000).

Recipient, RU FAIR ADVANCE (NSF) Rutgers-Camden Travel Award, March/April 2013 (\$1,590).

Funded by the Rutgers University Office for the Promotion of Women in Science, Engineering, and Mathematics (SciWomen) Institutional Transformation grant from the ADVANCE program of the National Science Foundation.

Principal Investigator, "University Collaborative Exit Poll," November 2008 to October 2009 (\$30,000). Funded by Columbia University Institute of Social and Economic Research and Policy, Center for Urban Research at the Graduate School and University Center of the City University of New York, and the New York Latino Research and Resources Network at the University of Albany, State University of New York.

Co-Principal Investigator, "2006 New Americans Exit Poll," November 2006 to October 2007 (\$10,000). Funded by the Graduate School of Arts and Sciences, Columbia University.

Recipient, Special Assistant Professor Leave Travel Grant, September 2003 to September 2005 (\$7,700). Funded by the Provost's Office, Winston Fund, Barnard College.

Recipient, Conference Grant, September 2003 to September 2005 (\$3,000). Funded by the Provost's Office, Forman Fund, Barnard College.

Member, Working Group on New York's Recovery from September 11th, June 2002 to June 2005 (\$30,000). Funded by the Russell Sage Foundation.

Principal Investigator, "2002 New Americans Exit Poll," December 2002 to March 2003 (\$1,800). Funded by the Faculty Research Fund of Barnard College.

Principal Investigator, "Evaluation of the New York Immigration Coalition's '200,000 in 2000' Campaign," July 2000 to July 2001 (\$40,000). Barnard College, Columbia University. Funded by the New York Foundation.

Co-Principal Investigator, "Muslim Communities in New York City," July 1998 to July 2001 (\$350,000). The Center for Urban Research and Policy, Columbia University. Funded by the Ford Foundation.

SERVICE

College and University

Invited Panelist, Screening: "Rigged, the Voter Suppression Playbook," in observation of National Voter Registration Day, Rutgers University Libraries, Videoconference, September 22, 2020.

Invited Panelist, "Voting Law in the 2016 Election: Perspectives from Political Science, Public Policy and Public Law," Rutgers University, Camden, New Jersey, December 7, 2016.

Member, Steering Committee, Rutgers University-Camden International Conference on Sustainable Community Development and STEAM Fields: What We Can Learn from A Changing Cuba," October 31 – November 3, 2016.

Chair, Department of Public Policy and Administration, Rutgers-Camden, July 2016 to present.

Member, Advisory Committee, Continuing Education Program in Historic Preservation, Rutgers-Camden, 2016 to present.

Member, Global Research and Education Committee, Rutgers-Camden, 2016-2017.

Member, Tenure and Third-Year Review Committees, Department of Political Science, Rutgers-Camden, 2015 to present.

Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Committee, 2014-present.

Co-Organizer, "Symposia on Urban Poverty and Inequality," Rutgers University-Camden, February 4, February 19, April 2, and April 22, 2014.

Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Exam (Theory) Committee, 2013-2016.

Member, General Education Committee, Subcommittee on Engaged Civic Learning, Rutgers-Camden, 2013-2014, 2015.

Marshal, Rutgers-Camden Commencement, 2013, 2014.

Member, Rutgers-Camden Department of Political Science Search Committee, 2013.

Member, Rutgers-Camden Department of Public Policy & Administration Search Committee, 2012, 2013, 2018-2020.

Director, Undergraduate Urban Studies Program, Rutgers-Camden, 2011 to 2016.

Member, Ford Faculty Seminar on Inequality in New York, Barnard College, 2009-2010.

Panelist, "Obama and the Immigrant Vote," Barnard Forum on Migration, October 30, 2008.

Panel Moderator, "Is Democracy Democratic?" at the Thirty-Third Annual *The Scholar and the Feminist Conference*, Barnard College, March 11, 2008.

Participant, Mellon 23 Assembly, Macalester College, St. Paul, Minnesota, February 15-17, 2008.

Panelist, "Election Reflections: The Bush Legacy and the Coming Presidential Elections," Barnard College, Oct. 8, 2007.

Member, *The Scholar and the Feminist Conference* Planning Committee, Barnard Center for Research on Women, 2006.

Member, Faculty Programs and Governance Committee, 2005-2007 (on leave Spring 2007).

Member, Faculty Committee, Barnard Leadership Initiative, 2005-2007 (on leave Spring 2007).

Member, Medalist Committee, Barnard College, 2004-2006, 2007-2009 (on leave Spring 2007).

Member, Columbia University Seminar in Political and Social Thought, 2004 to 2011.

Faculty Mentor, Francene Rodgers Scholarship Program, Barnard College, Summer 2004.

Panel Moderator, "Governance by the Media: Feminists and the Coming Election," at the Twenty-Ninth Annual *The Scholar and the Feminist Conference*, Barnard College, April 3, 2004.

Member, Ph.D. Subcommittee in Urban Planning, Columbia University School of Architecture, Planning and Preservation, 2003 to 2011.

Member, Columbia University Seminar on Globalization, Labor, and Popular Struggles, 2001 to 2011.

Member, Columbia University Seminar on the City, 2001 to 2011.

Faculty Mentor, Columbia University Graduate School of Arts and Sciences Summer Research Program, 2001.

Advisory Board Member, Barnard Center for Research on Women, 2000 to 2011.

First Year Adviser, Barnard College, 2000 to 2004, 2009 to 2011.

One-Year Replacement Member, Committee on Programs and Academic Standing, Barnard College, 2000-2001.

Professional

I have reviewed numerous journal articles for the *American Political Science Review*, *American Journal of Political Science*, *American Review of Politics*, *British Journal of Industrial Relations*, *Community Development Journal*, *Election Law*

Journal, Ethnic and Racial Studies, Journal of Electoral Studies, Journal of Ethnic and Migration Studies, Law and Society Review, New Political Science, Perspectives on Politics, Political Behavior, Political Communication, Political Research Quarterly, Political Science Quarterly, Public Opinion Quarterly, Urban Affairs Review, and Working U.S.A.: The Journal of Labor and Society; and book proposals and manuscripts for Blackwell Publishers, Lexington Books, Routledge, M.E. Sharpe, Inc., New York University Press, and The New Press.

Chair, Social Science History Association President's Book Award Selection Committee, 2018.

Co-Organizer, "Insurgency from Below and the Future of American Democracy: A Conference in Celebration of the Work of Frances Fox Piven and Richard A. Cloward," Graduate School and University Center of the City University of New York, New York City, October 11, 2017.

Member, Social Science History Association President's Book Award Selection Committee, 2017.

Invited Speaker, Voting Rights Institute Expert Witness Training Conference, sponsored by The Campaign Legal Center, the American Constitution Society and Harvard University Center for Governmental and International Studies, Cambridge, September 14, 2016.

Dissertation Fellowship Reviewer, Center for Engaged Scholarship, 2016-present.

Faculty Presenter, American Bar Association, "The Voter Fraud Myth, Voter ID, Immigration and Voting Rights, and State Legislative Reapportionment," February 18, 2016 (1.5 CLE credits).

Co-Chair, Scholars Strategy Network, New Jersey Chapter, 2015 to present.

Consulting Expert, U.S. Government Accountability Office, Issues Related to State Voter Identification Laws, May 2013.

Guest Seminar Speaker, Carnegie-Knight News21 Initiative Reporting Seminar on Voting Rights, The Walter Cronkite School of Journalism and Mass Communication, Arizona State University, February 2, 2012.

Member, Best Book Committee, Urban Section, American Political Science Association, 2010-2011, 2012-2013.

Executive Council Member, Urban Section, American Political Science Association, 2005-2006, 2008-2010.

Member, Charles A. McCoy Career Achievement Award, New Politics Section, APSA, 2008-2009.

Member, Best Dissertation Committee, Urban Section, American Political Science Association, 2008-2009.

Co-chair, Local Host Committee, American Sociological Association Annual Conference, 2006-2007.

Nominating Committee, Urban Section, American Political Science Association, 2006-2007.

Chair, Piven and Cloward Award Committee, New Political Science Section, American Political Science Assoc., 2005-6.

Member, Best Paper Committee, Urban Section, American Political Science Association, 2005-2006.

Editorial Board Member, *Working USA: The Journal of Labor and Society*, 2004 to present.

Grant Reviewer, Research Award Program, The City University of New York, 2003.

Member, New York Colloquium on American Political Development, 2001 to 2011.

Community

Invited Keynote Speaker, League of Women Voters of Burlington County, New Jersey, Annual Fall Conference, Moorestown Friends, Moorestown, New Jersey, October 7, 2020.

Invited Panelist, Volunteers of America Chesapeake & Carolinas, Healing Conversations Series: Social Justice, Videoconference, September 24, 2020.

Invited Speaker, National Organization for Women, South Jersey 'Alice Paul' Chapter, Moorestown, New Jersey, February 14, 2018.

Invited Speaker, Annual Fall Meeting of the Mercer County Division of Elections, Clerks Workshop, October 3, 2017.

Invited Keynote Speaker, League of Women Voters of Burlington County, New Jersey, Annual Fall Conference, Moorestown Friends, Moorestown, New Jersey, September 18, 2017.

Poll Worker, Gloucester County Board of Elections, (Republican Party Representative), 2017 to present.

Faculty Adviser and Organizer, Graduate Student Conference on State and Local Economic Development Policy, The Neighborhood Center, Camden, New Jersey, April 17, 2016; March 28, 2017.

Invited Panelist, "Voting Fraud, Voter Suppression: Myths and Realities," League of Women Voters of Connecticut Education Fund Annual Fall Conference, Darien Library, Darien, Connecticut, October 24, 2015.

Member, Participatory Budgeting in New York City Research Board, Community Development Project of the Urban Justice Center, 2013-2015.

Invited Speaker, Registrar's of Voters Association of Connecticut, Annual Meeting, Cromwell, CT, April 12, 2012.

Keynote Speaker, Federal Aviation Administration William J. Hughes Technical Center 2012 Black History Month Celebration, Atlantic City, New Jersey, February 15, 2012.

Organizer, "National Teach-in on Debt, Austerity and How People Are Fighting Back," Judson Memorial Church, New York City, April 11, 2011.

Host Committee, New York State Immigrant Action Fund, 2010.

Board Member, The Left Forum, 2009 to 2013.

Member, New York City Comptroller-Elect John Liu Transition Committee Working Group on External Affairs, 2009.

Board Member, Project Vote, 2008-2009.

Speaker, "The Immigrant Voter in New York City," New York Voter Assistance Commission, New York City, May 19, 2005; Citizens Union, New York City, May 18, 2005; New York Immigration Coalition, New York City, February 17, 2005; New York City Central Labor Council, New York City, April 28, 2004.

Speaker, "The Post-9/11 Crackdown on Immigrants," Coney Island Avenue Project, Brooklyn, New York, March 25, 2004. Volunteer, *New York Immigration Coalition*, Voter Registration at INS Naturalization Ceremonies, 1998 to 2002.

PAID CONSULTANTSHIPS

Lawrence & Bundy, LLC, 2019.

Wrote expert report for plaintiffs in *Fair Fight Action v. Raffensperger*, U.S. District Court for the Northern District of Georgia, Atlanta Division.

American Civil Liberties Union Voting Rights Project, 2016-2018

Wrote expert reports and testified at trial for plaintiffs in *Fish v. Kobach*, U.S. District Court for the District of Kansas.

Perkins Coie, LLP, 2015-2018.

Wrote expert reports and testified at trial for plaintiffs in *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, Eastern Division; *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District in Virginia, Richmond Division; *One Wisconsin v. Wisconsin Government Accountability Board* in the U.S. District of the Western District of Wisconsin; and *League of Women Voters of New Hampshire v. Gardner*, State of New Hampshire Superior Court, Hillsborough SS., Southern District.

Kirkland & Ellis, LLP, 2014-2016.

Wrote expert reports and testified at trial for plaintiffs in *North Carolina State Conference of NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina.

Dechert, LLP, 2014

Wrote expert report for plaintiffs and testified at trial in *Veasey v. Perry*, U.S. District Court for the Southern District of Texas.

Arnold & Porter LLP, 2012-2013; 2019.

Wrote expert reports for plaintiffs (2012, 2013) and testified (2012) at trial in *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania. Wrote expert report for plaintiffs (2019) in *North Carolina State Conference of the NAACP v. Cooper*, U.S. District Court for the Middle District of North Carolina.

New York City Charter Revision Commission, 2010.

Analyzed the problem of voter participation in New York City and possible solutions for consideration by Commissioners as they prepared ballot referenda to be placed before the voters in 2010.

New York Latino Research and Resources Network at the University of Albany, State University of New York, 2008.

Analyzed survey and other data and wrote report on Latino political participation in New York City and New York State in the 2008 presidential election.

New York Immigration Coalition, New York, New York, 2006.

Provided technical assistance to a three-city exit poll survey project for the 2006 national midterm elections.

Brennan Center for Justice at New York University School of Law, 2004-2005.

Provided expert report on voter fraud and testified as a fact witness in *ACORN, et al. v. Bysiewicz*, Civil Action No. 3:04-CV-1624 (MRK), U.S. District Court for the District of Connecticut.

Howard Samuels State Management and Policy Center, Graduate School and University Center of CUNY, 2002.

Consulted on survey design for a project on the efficacy of community-based organizations.

Dēmos, New York, New York, 2001 to 2002.

Researched and wrote a study of voter fraud in contemporary American politics.

1199 Child Care Fund, New York, New York, 2000 to 2002.

Prepared demographic data for Fund-eligible union members and their children.

APPENDIX B

Alex Rose, “Collingdale Man Charged with Voter Fraud,” *Delco Daily Times*, November 21, 2018, https://www.delcotimes.com/news/collingdale-man-charged-with-voter-fraud/article_cb571234-ed0f-11e8-86ed-ef972a825af1.html, (last accessed September 28, 2020).

Amended Answers of Respondents to Petitioners’ First Set of Interrogatories, *Applewhite v. Commonwealth of Pennsylvania* (Pa. Cmwlth., No. 330 MD 2012), June 7, 2012.

Applewhite v. Commonwealth of Pennsylvania (Pa. Cmwlth., No. 330 MD 2012).

Bernd Beber and Alexandra Scacco, “What the Numbers Say: A Digit-Based Test for Election Fraud,” *Political Analysis* 20(2).

Bill Heltzel, “Six of Seven Charges Against Austin Murphy Dismissed,” *Pittsburgh Post-Gazette*, June 22, 1999, <http://old.post-gazette.com/regionstate/19990622murphy6.asp> (last accessed September 28, 2020).

C. Breunig and A. Goerres, “Searching for Electoral Irregularities in an Established Democracy: Applying Benford’s Law Tests to Bundestag Elections in Unified Germany,” *Electoral Studies* 30(3).

Charles Teddlie and Abbas Tashakkori, “Major Issues and Controversies in the Use of Mixed Methods in the Social and Behavioral Sciences,” in Abbas Tashakkori and Charles Teddlie, eds., *Handbook of Mixed Methods in Social and Behavioral Research* (Thousand Oaks, Calif.: Sage Publications, Inc., 2003).

Chelsea Strub, “County Officials Offer Explanation on Tossed Ballots,” *Newswatch* 16, Willkes-Barre, Pennsylvania, September 25, 2020.

Chris Lehman, “10 Oregon Voters Plead Guilty to Voter Fraud in 2016 Presidential Election,” *The Oregonian/OregonLive*, April 29, 2019. <https://www.oregonlive.com/politics/2019/04/10-oregon-voters-plea-guilty-to-voter-fraud-in-2016-presidential-election.html> (last accessed September 28, 2020).

Corbin Carson, “Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens,” *News21*, August 12, 2012, available at <https://votingrights.news21.com/article/election-fraud-explainer/> (last accessed September 24, 2020).

David Cottrell, Michael C. Herron, and Sean J. Westwood, “An Exploration of Donald Trump’s Allegations of Massive Voter Fraud in the 2016 General Election,” *Electoral Studies* 51 (2018).

Donald Trump’s May 26, 2020 Twitter feed at <https://twitter.com/realDonaldTrump/status/1265255835124539392> (last accessed September 28, 2020).

Elise Viebeck, “Minuscule Number of Potentially Fraudulent Ballots in States with Universal Mail Voting Undercuts Trump Claims About Election Risks,” *Washington Post*, June 8, 2020, https://www.washingtonpost.com/politics/minuscule-number-of-potentially-fraudulent-ballots-in-states-with-universal-mail-voting-undercuts-trump-claims-about-election-risks/2020/06/08/1e78aa26-a5c5-11ea-bb20-ebf0921f3bbd_story.html (last accessed September 28, 2020).

“Gessler Voter Sting Nets 1 Conviction Despite Accusation of Widespread Fraud,” *The Sentinel*, March 13, 2015, <https://sentinelcolorado.com/news/gessler-voter-sting-nets-1-conviction-despite-accusation-widespread-fraud/> (last accessed September 28, 2020).

Hans von Spakovsky, “Four Stolen Elections: The Vulnerabilities of Absentee and Mail-In Ballots,” Legal Memorandum No. 268, Heritage Foundation, July 16, 2020.

Heritage Foundation’s website, <https://www.heritage.org/voterfraud> (last accessed September 28, 2020).

In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election, 843 A.2d 1223, 1225 (Pa. 2004).

In Re. Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, North Carolina State Board of Elections (March 13, 2019).

Iowa Secretary of State Matt Schultz, “DCI Voter Fraud Investigations Report,” May 8, 2014, available at <http://publications.iowa.gov/16874/1/DCI%20Voter%20Fraud%20Report%205-8-14.pdf> (last accessed September 28, 2020).

Jacob M. Montgomery, et al., “An Informed Forensics Approach to Detecting Vote Irregularities,” *Political Analysis* 23(4)

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